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JOURNALS OF THE
CONTINENTAL CONGRESS
1774-1789

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PREFATORY NOTE

In the year 1780 the difficulties which beset the Continental Congress were almost overwhelming. On January 10, the Board of War reported that, in spite of the necessities of the troops, no clothing could be bought, because there was no money to pay for it; on March 10, the Board of Treasury said that the commissary general of issues had announced that there was not bread enough on hand to feed the army for ten days longer; on April 4, a committee reported: "There is no money in the Treasury and scarce any provisions in the public magazines." The currency had depreciated to such a point that forty dollars of continental money had not the purchasing power of one specie dollar. An alarming note from the Minister of France was read, on January 28, setting forth the impending danger of armed mediation between America and Great Britain, and that the mediator would be certain to insist upon the retention by Great Britain of such territory as she then held as the basis of peace. Nevertheless, on June 21, Congress was obliged to inform the states that they had failed to furnish any of the 25,000 men who, it had promised the King of France, would be in the field to coöperate with the forces which he was sending over. On August 3, came a representation from the general officers, in their own and the soldiers' behalf, that they were not paid, and that no attention was given to their demands. On May 12, Charleston fell; on August 16, news was received of Gates's defeat at Camden; on September 30, despatches arrived announcing Arnold's treason.

▼

Nevertheless, the Congress struggled on, meeting the disasters which surrounded it as best it could. On March 18, it agreed to recommend to the states to call in the old continental bills of credit, to be destroyed and replaced by a new currency, issued on the funds of the individual states pledged by the faith of the United States; the following month it despatched a committee to headquarters, to concert with the Commander in Chief measures for improving the condition of the army. The new bank was recognized June 22, and made an auxiliary to continental financial arrangements; on July 15, the quartermaster's department was reorganized; September 25, the inspecting and mustering department; September 30, the general hospital. The dereliction of the states in furnishing their quotas was brought to their attention by a forcible appeal, on April 24; the contending parties in the Vermont controversy were afforded a new opportunity to present their claims, by the resolution of June 9; the ratification of the Articles of Confederation was brought nearer, by the resolution of September 6, urging Virginia and Maryland to conclude an agreement on the subject of the western lands, that question being the obstacle to Maryland's acceptance of the confederation.

Efforts to obtain for the United States recognition in the family of nations were continued. On June 20, John Adams was commissioned to negotiate a loan in Holland; on December 29, to make a treaty of amity and commerce with that country. In making overtures for an alliance with Spain, John Jay was instructed, October 4 and 17, to insist upon the right of free navigation of the Mississippi River by Americans, and out of this important action grew the acquisition of Louisiana twenty years later. On December 19, Dana was commissioned to open friendly relations with Russia. John Adams was instructed, October 18, that the only condition upon which a truce with Great Britain could

be accepted was the recognition of the absolute independence of the United States. On October 8 occurred the victory at King's Mountain. Disordered as our affairs were, and even desperate in some directions, they were not hopeless. It became more apparent, the longer the struggle lasted, that the outcome would be independence, and the tone of Congress during the year shows that no other prospect was entertained by that body.

The most voluminous record of the Continental Congress is that for the year 1779. There is a slight diminution in the extent of the papers pertaining to 1780, and after that year there is a steady decline. The volumes following the present issue will not, therefore, be as bulky as the issues of the past few years have been.

The plan of editing which my predecessor, Mr. Worthington Chauncey Ford, elaborated has been followed carefully, because it would be intolerable to have a change made after half the volumes have been issued, and because it is manifestly the best system which could be devised for the purpose of presenting the journals clearly. Committee and Board reports are inserted; the location of letters, petitions, memorials and other minor papers is given, but, as it would swell the publication beyond all reason if they were printed, their text is omitted.

Mr. Ford kindly left for my use the notes which he had gathered, and he has cheerfully assisted me with his advice as the work has progressed.

Miss Emily B. Mitchell, an assistant in the Division, has coöperated, in compiling the volumes, with intelligence and skill.

GAILLARD HUNT,

Chief of Division of Manuscripts, Editor

HERBERT PUTNAM

Librarian of Congress, April 26, 1910

JOURNALS OF THE CONTINENTAL CONGRESS 1780

SATURDAY, JANUARY 1, 1780

A letter, of 2 December, from Major General Lincoln, was read:¹

Ordered, That so much thereof as relates to money be referred to the Board of Treasury, and the remainder to the Board of War.

A petition of William Mitchel was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of this day, from the Board of War, was read:

Ordered, That it be referred back to the Board of War to take order.

A letter, of 30 December, from Doctor J. Morgan, was read, requesting to be furnished with copies of the following letters and returns of Doctor W. Shippen, viz²:

Letters previous to October 9, 1776, on which were founded the resolves of that day; of November 1, 1776, including the return of the sick; November 9, 1776; November 24, 1777, and return of the sick, also return of the hospital officers; January 19, 1778, with the return of the hospital officers, &c., also Governor Livingston's, to which it refers; January 26, 1778, to Francis Lewis, Esquire; Whereupon,

¹ This letter is in the *Papers of the Continental Congress*, No. 158, folio 305.

² Morgan's letter is in the *Papers of the Continental Congress*, No. 63, folios 161-164.

Ordered, That Doctor Morgan's request be complied with and that those of the papers which are in the possession of the Medical Committee be lodged in the Secretary's office for that purpose.

The delegates for Massachusetts bay produced credentials of their appointment, which were read as follows:

STATE OF MASSACHUSETTS BAY,
Council Chamber, November 18th, 1779.

These Certify that [the Honorable John Hancock, Samuel Adams, Elbridge Gerry, James Lovell, Samuel Holten, George Partridge and Artemas Ward, Esquires, were agreeable to the Assignment of this Day by the General Assembly of the State aforesaid, Chosen Delegates to represent the said State in the honble the Congress of the United States of America for the year 1780.

Attest:

JOHN AVERY, *D. Secretary.*¹

Congress took into consideration the report of the committee, to whom was referred the report of the Board of War, on the petition of Robert Jewell; and thereupon,

Resolved, That thirty dollars a day be allowed to Robert Jewell, keeper of the new jail in Philadelphia; twenty dollars a day to each of his assistants; and ten dollars a day to his turnkey; in full for their services and subsistence, until the further orders of Congress.

On the question to agree to the foregoing resolution, the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. Folsom,	ay } ay	Mr. Ellery,	no } no
<i>Massachusetts Bay,</i>		<i>Connecticut,</i>	
Mr. Gerry,	ay }	Mr. Huntington,	ay }
Lovell,	ay } ay	Sherman,	no }
Holten,	no }	Ellsworth,	ay }

¹ The original is in the *Papers of the Continental Congress, Massachusetts, Credentials of Delegates.*

<i>New York,</i>			<i>Maryland,</i>		
Mr. Floyd,	ay	} div.	Mr. Plater,	ay	} div.
L'Hommedieu,	no		Forbes,	no	
<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Fell,	ay	} div.	Mr. Griffin,	ay	} ay
Houston,	no		<i>North Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Jones,	no	} *
Mr. Searle,	ay	} ay	<i>South Carolina,</i>		
McLene,	ay		Mr. Mathews,	ay	} ay
Shippen,	ay				

So it was resolved in the affirmative.

A report from the Board of Treasury was read;
Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. W[illiam] Ellery, delegate for the State of Rhode Island and Providence Plantations, on his application, for four thousand dollars, for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Carleton, secretary and paymaster to the Board of War and Ordnance, for four thousand dollars, on account of his salary.

That on the application of Chaloner and White, agents for Jeremiah Wadsworth, commissary general of purchases, the following warrants issue in their favour, for six millions of dollars, on account of the said Jeremiah Wadsworth, and for the use of his department, for which sum he is to be accountable, viz.

One on Nicholas Gilman, treasurer of the State of New Hampshire, for three hundred thousand dollars.

One on Henry Gardiner, treasurer of the State of Massachusetts bay, for one million of dollars.

One on Joseph Clarke, treasurer of the State of Rhode Island and Providence Plantations, for seventy five thousand dollars.

One on John Lawrence, treasurer of the State of Connecticut, for one million five hundred thousand dollars.

One on David Rittenhouse, treasurer of the State of Pennsylvania, for two hundred and fifty thousand dollars.

One on Samuel Patterson, treasurer of the State of Delaware for seventy five thousand dollars.

One on Thomas Harwood, treasurer of the State of Maryland, for five hundred thousand dollars.

One on George Webb, treasurer of the State of Virginia, for seven hundred and fifty thousand dollars.

One on his excellency, Richard Caswell, Esquire, governor of the State of North Carolina, for seven hundred and fifty thousand dollars:

In part of the monies raised by the said States respectively, for the use of the United States.

One on the continental treasurer, for five hundred thousand dollars.

One on Abraham Yates, junior, commissioner of the continental loan office for the State of New York, for one hundred and fifty thousand dollars.

And one on Thomas Harwood, commissioner of the continental loan office for the State of Maryland, for one hundred and fifty thousand dollars.

That on the application of Charles Pettit, assistant quartermaster general, the following warrants issue in his favour for seven hundred and ten thousand dollars, on account of Major General Greene, quartermaster general; who is to be accountable, viz.¹

One on Nicholas Gilman, commissioner of the continental loan office for the State of New Hampshire, for ten thousand dollars.

¹ In the original report the amount is given as \$880,000.

One on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts bay, for four hundred thousand dollars.

~~And on Thomas Harwood Esq. Commissioner of the Continental Loan Office for the State of Maryland for two hundred and fifty thousand dollars.~~

And one on the treasurer, for three hundred thousand dollars. This last to defray the contingent expences of the Virginia troops on their march to the southward.¹

Congress resumed the consideration of the report of the committee, appointed to consider of proper salaries for the purchasing commissaries, and for regulating the departments of the commissary and quarter master; and thereupon,

Resolved, That the commissary general of purchases be allowed a salary at the rate of forty thousand dollars by the year, until the further order of Congress; also six rations a day, and forage for four horses.

That an assistant commissary be appointed by the commissary general to each of the states in which it shall be necessary that purchases be made under him, and in which provision shall not have been made by the states respectively for furnishing the necessary supplies.

That the said assistant commissaries be allowed on all good merchantable articles which may be purchased by them, or under their direction respectively, two per cent on twenty fold the prices they were sold at in the year 1774, until the further order of Congress; out of which they shall pay all their agents, and defray the whole expence attending such purchases: nor shall they, nor any of their agents, be entitled

¹ This report is in the *Papers of the Continental Congress*, No. 136, III, folio 935. The final paragraph is in No. 136, IV, folio 1.

to rations or forage, except when called by the necessary business of their department to attend the army.

And in order the better to ascertain such prices,

Resolved, That the executive power of every State be requested to return to the Board of Treasury a list of the commodities usually sold within such State, and the price current in the year 1774; and that copies of such lists be furnished from thence to the commissary general and his assistants:

That the commissary general be directed to keep regular accounts, in which he shall charge all persons belonging to his department with the money advanced to them, and give them credit for the purchases made by them, entering their respective accounts at large; that he check all accounts within his department, and reject improper charges; direct the manner in which the accounts of his respective deputies shall be kept, ordering the articles purchased to be entered under distinct heads, so that the expenditures for each separate article may be seen at one view; that he shall, once in every three months, or oftener if required, exhibit a fair and comprehensive view of the state of his purchases, in columns, the manner in which the same has been expended, and the stock on hand, with the price of each article, and the State, county, and district in which purchased:

That every assistant commissary make monthly returns to the commissary general of the articles purchased, the price, the name of the agent by whom the same were bought, and the persons to whom delivered; or, if still on hand, at what place stored:

That no money be advanced to any assistant commissary until he has made such returns, and accounted for money received, rendering to the commissary general receipts from his agents for the money advanced to them:

That every assistant commissary call upon his agents for monthly returns of their expenditures; without which returns no further sums be advanced to them; but that they be sued to account for the money in their hands:

That the commissary general of issues be, and he is hereby directed, to make monthly returns of the number of rations issued, to what persons, and at what places, to the Board of War, in order to take their direction as to the continuing such issues.

On passing the first part of the resolution for granting two per cent, &c. to the assistant commissaries, to the words "until the further orders of Congress" inclusive, the yeas and nays being required by Mr. [James] McLene,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} no	Mr. Houston,	ay	} *
Folsom,	no		<i>Pennsylvania,</i>		
<i>Massachusetts Bay,</i>			Mr. McLene,	no	} no
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Lovell,	ay		Mr. Plater,	ay	} ay
Holten,	ay		Forbes,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Ellery,	ay	} ay	Mr. Penn,	no	} no
<i>Connecticut,</i>			Burke,	no	
Mr. Huntington	ay	} ay	Jones,	no	
Sherman,	ay		<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	no	} no
<i>New York,</i>					
Mr. Livingston,	ay	} ay			
Floyd,	ay				
L'Hommedieu,	ay				

So it was resolved in the affirmative.

Ordered, That so much of the report as relates to the appointment of inspectors be re-committed.

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 3, 1780

The committee, to whom was referred the report of the Board of Treasury, of the 21 December last, for a grant of a million of dollars to Colonel B. Flower, commissary general of military stores, brought in a report; Whereupon,

Resolved, That on the application of the Board of War and Ordnance, a warrant issue on David Rittenhouse, treasurer of the State of Pennsylvania, for one million dollars, being part of the monies raised by the said State for the use of the United States, in favour of Colonel Benjamin Flower, commissary general of military stores, to be by him appropriated for discharging indispensable contracts already made in his department; and for which sum he is to be accountable.¹

A letter, of this day, from J. Wadsworth, was read, enclosing a copy of his letter of the same date to the Commander in Chief.²

The Board of War, to whom was referred the letter of 6th December last, from Andrew Harper, brought in a report; Whereupon,

Resolved, That the sum of ninety-six dollars be allowed to Andrew Harper, for his services from August 1st, to December 11, 1779; he being during that period employed in extra duty by General Hogan, while commanding in Philadelphia.³

A report of the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ohn] Mathews, a delegate for the State of South Carolina, on his application, for five thousand dollars; for which the said State is to be accountable.

That on the application of Mr. C[yrus] Griffin, delegate for the State of Virginia, a warrant issue on the treasurer, in

¹ This report, in the writing of William Floyd, is in the *Papers of the Continental Congress*, No. 19, II, folio 293.

² Wadsworth's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 159.

³ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 1.

favour of John Moss, agent for the said State, for one hundred and thirty thousand dollars, to enable him to pay for certain supplies of cloathing, and other necessaries purchased for the use of the troops of the said State in the continental army; the said State to be accountable for that sum till repaid, and for the repayment thereof.

Ordered, That a warrant issue on the board of trade of the State of Virginia, in favour of Charles Pettit, assistant quarter master general, on account of Major General Greene, quarter master general, for one hundred and thirty thousand dollars, to reimburse the like sum this day lent to the said State, for which the said quarter master general is to be accountable.¹

The order of the day being called for, to determine the place to which Congress will on the last Saturday in April, adjourn.

A motion was made by Mr. [James] Forbes, seconded by Mr. [Cyrus] Griffin, that the consideration thereof be postponed to the last Monday in February; on which, the yeas and nays being required by Mr. [James] Searle,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Peabody,	no	Mr. Livingston,	ay
Folsom,	no	Floyd,	ay
<i>Massachusetts Bay,</i>		L'Hommedieu,	ay
Mr. Lovell,	no	<i>New Jersey,</i>	
Holten,	ay	Mr. Fell,	no
Partridge,	ay	Houston,	no
<i>Rhode Island,</i>		<i>Pennsylvania,</i>	
Mr. Ellery,	no	Mr. Searle,	no
<i>Connecticut,</i>		Muhlenberg,	ay
Mr. Huntington,	ay	McLene,	ay
Sherman	ay	Shippen,	ay
Ellsworth,	no		

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 3.

<i>Maryland,</i>			<i>North Carolina,</i>		
Mr. Plater,	ay	} ay	Mr. Burke,	ay	} ay
Forbes,	ay		Jones,	ay	
<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Griffin,	ay	} ay	Mr. Mathews,	ay	} ay

So it was resolved in the affirmative.

On motion of Mr. [Robert R.] Livingston, seconded by Mr. [John] Mathews,

Resolved, That the Board of Treasury publish the determination of Congress with respect to the drawing of bills of exchange, agreeable to the resolution of the 27 December last; the terms upon which they are to be sold, and the time on which they will be ready for sale, together with the names of the persons appointed to dispose of the same.

According to order, Congress took into consideration the report of the Medical Committee, viz.

That each and every officer hereafter mentioned and described in this resolve, belonging to the medical department in the hospitals, or army, who is now in the service of the United States, and shall continue therein during the war, and not hold any office or profit under the United States, or any of them, shall after the conclusion of the war, be entitled to receive, annually, for the term of seven years, if they shall live so long, viz; the physicians general, surgeons general, the physician and surgeon general of the army, the deputy directors general, each, a sum equal to the half pay granted and extended to a colonel in the line of the army by a resolve of Congress, of the 15 of May, 1778; the senior surgeons and physicians, assistant deputy directors, and the apothecary general, each, a sum equal to the half pay of a lieutenant colonel, granted and extended by the resolve aforesaid; the junior or second surgeons of the hospitals and the regimental surgeons, each, a sum equal to the half pay of a major in the line, granted and extended as aforesaid; the mates of the regimental surgeons, the apothecary's mates, or assistants, each, a sum equal to the half pay granted and extended to a

lieutenant in the line of the army, by the resolve aforesaid; the whole of the foregoing allowances are to be subject in every respect to the same rules, restrictions and limitations, upon which the half pay of the aforementioned officers of the line was granted and extended by the said resolve, of the 15 of May, 1778.

That each of the aforementioned and described officers in the medical department, or their legal representatives, respectively, shall be entitled to the like quantity of lands with the aforementioned and described officers of the line, in due proportion to the sums granted to them respectively by the preceding resolve, upon the same conditions, and subject to the same rules, restrictions and limitations, as the grants of lands to the aforementioned officers of the line, by a resolve of Congress of the 16 September, 1776.

On the question to agree to the first proposition for granting half pay, the yeas and nays being required by Mr. [Roger] Sherman,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Peabody,	ay	} div.	Mr. Searle,	no	} div.	
Folsom,	no		Muhlenberg,	ay		
<i>Massachusetts Bay,</i>			McLene,	no		
Mr. Holton,	ay	} div.	Shippen,	ay		
Love,	no		<i>Maryland,</i>			
Partridge,	no		Mr. Plater,	no	} div.	
<i>Rhode Island,</i>		Forbes,	ay			
Mr. Ellery,	no	} no	<i>Virginia,</i>			
<i>Connecticut,</i>			Mr. Griffin,	no	} no	
Mr. Huntington,	no	} no	<i>North Carolina,</i>			
Sherman,	no		Mr. Penn,	no	} no	
Ellsworth,	no		Burke,	no		
<i>New York,</i>			<i>South Carolina,</i>			
Mr. Livingston,	ay	} no	Mr. Mathews,	no	} no	
Floyd,	no					
L'Hommedieu,	no					
<i>New Jersey,</i>						
Mr. Fell,	no	} no				
Houston,	no					

So it passed in the negative.

On the question to agree to the second proposition for granting lands, the States were equally divided, and the question lost.

Adjourned to 10 o'clock to Morrow.

TUESDAY, JANUARY 4, 1780

A letter, of 30 December last, from General Washington, was read.¹

A letter, of 3 instant, from the Board of Admiralty, was read, enclosing an estimate of supplies wanted for the navy of the United States for the current year:

Ordered, That it be referred to the committee appointed to estimate the supplies to be furnished by the several states.²

A letter, of 3, from R. Bache, postmaster general, was read:

Ordered, That it be referred to the committee on the Post-office.

A motion was made by Mr. [Roger] Sherman, seconded by Mr. [Thomas] McKean:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [William Churchill] Houston, and Mr. [James] Forbes.

A report of the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ohn] Penn, one of the delegates for the State of North Carolina, for six thousand dollars, on his application; for which the said State is to be accountable.

That a warrant issue on his excellency, John Rutledge, Esquire, governor of the State of South Carolina, for two millions of dollars, in part of the monies raised in the said State, for the use of the United States, in favour of W.

¹ The draft of this letter is in the Washington Papers, Series A. V, pt. 1, 115.

² A marginal note by Thomson says: "See Dec^r 17, '79," *ante*, Vol. XV, p. 1391.

Palfrey, Esquire, paymaster general, to be by him transmitted to Joseph Clay, deputy paymaster general for the southern department, for the supply of the military chest there; for which sum the said deputy paymaster general is to be accountable.¹

Congress took into consideration the report of the committee for establishing a court for the trial of appeals.

And a motion being made by Mr. [John] Mathews, seconded by Mr. [Thomas] Burke, that the said Court shall sit at the place where Congress, or the committee of the States, in the recess of Congress shall hold their sessions; on motion, the words after "sit at" were struck out, and in the room thereof, it was moved by Mr. [James] Forbes, seconded by Mr. [John] Penn, to insert the words "the city of Philadelphia;" on which the yeas and nays being required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	no	} ay
Folsom,	no		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Lovell,	ay	} ay	<i>Delaware,</i>		
Holten,	no		Mr. McKean,	ay	} ay
Partridge,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	ay	} ay
Mr. Ellery,	no	} no	Forbes	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	} no	Mr. Griffin,	ay	} ay
Sherman,	no		<i>North Carolina,</i>		
Ellsworth,	no		Mr. Penn,	ay	} ay
<i>New York,</i>			Burke,	ay	
Mr. Livingston,	ay	} no	Jones,	ay	
Floyd,	no		<i>South Carolina,</i>		
L'Hommedieu,	no		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>					
Mr. Fell,	ay	} div			
Houston,	no				

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 7.

So it was resolved in the affirmative.

On the question to agree to the motion, as amended, the yeas and nays being required by Mr. [George] Partridge,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	no	} no
Folsom,	no		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	no	
Mr. Lovell,	ay	} no	<i>Delaware,</i>		
Holten,	no		Mr. McKean,	ay	} ay
Partridge,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	ay	} ay
Mr. Ellery,	no	} no	Forbes,	ay	
<i>Connecticut,</i>				<i>Virginia,</i>	
Mr. Huntington,	no	} no	Mr. Griffin,	ay	} ay
Sherman,	no		<i>North Carolina,</i>		
Ellsworth,	no		Mr. Penn,	ay	} ay
<i>New York,</i>			Burke,	ay	
Mr. Livingston,	no	} no	<i>South Carolina,</i>		
Floyd,	no		Mr. Mathews,	ay	} ay
L'Hommedieu,	no				
<i>New Jersey,</i>					
Mr. Fell,	ay	} div.			
Houston,	no				

So it passed in the negative.

A motion was then made by Mr. [Robert R.] Livingston, seconded by Mr. [Roger] Sherman.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 5, 1780

A report from the Board of War was read, recommending the advance of a sum of money in specie to the prisoners who are in possession of the enemy;

AT A BOARD OF WAR, *January 4th, 1780.*

Present, Col Pickering, M^r Peters, Col^o Grayson.

The Board having taken into consideration, the memorial of sundry officers of the American army, at present in captivity on Long Island, in the State of New York, respecting a farther allowance of subsist-

ence, also the letters of Col Beatty Commissary General of prisoners, and sundry other papers, beg leave to report. That it appears to the Board, that accidental preferences have been given in some instances to particular officers, owing as well to local circumstances, as to the want of a certain ratio, by which the subsistence of each respective claimant might be ascertained agreeable to the length of time he had been in captivity.

It appears farther to the Board, that twenty six officers taken at Fort Montgomery the 6th of October 1777, fourteen taken between the 6th of October 1777, and May 1778, and seventeen taken the 22nd of August 1777 at Staten Island, have received the sum of thirty two pounds New York money, more than the memorialists who were captured about the same period of time. That moreover those who were on parole upon Long Island before the arrival of the Philadelphia prisoners at New York, have received an allowance of two dollars a week for their board, of which those confined in Philadelphia had not the benefit.

Resolved, Therefore, That as Congress mean to extend their care and attention without distinction to all their officers who have the misfortune to be captured by the Enemy, the sum of £4194 New York money in specie be placed in the hands of Col^o Beatty Com General of prisoners, out of which he be directed to pay to each of the memorialists the sum of thirty two pounds like money, and the farther sum of to the same persons respectively, to be computed at the rate of two dollars a week, from the time of their being made prisoners, until their board was paid by the public.

That a farther sum of money in specie equal to £1493 N York currency be put into the hands of Col Beatty for the purpose of levelling all the officers, agreeable to the different terms of their Captivity, to the end that each individual may according to his circumstances participate of an equal share of the Public provision.

And whereas it hath been represented to Congress, that a farther sum of money is requisite for all the officers in Captivity, to enable them to purchase Clothing, and other necessaries for immediate use.

Resolved, That the sum of £9332 New York currency, in specie be advanced to the Commissary Gen^l of prisoners, which he be directed to distribute among all the officers on parole with the Enemy, and that the consideration of any farther allowance, or comparative preference be postponed to some future period.¹

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 5. A copy of the report was read February 28 (see *post* on that date) and is on folio 199.

On which a motion was made by Mr. [John] Mathews, seconded by Mr. [James] McLene,¹

Ordered, That the report and motion be referred to the Board of Treasury, and that they report thereon as speedily as possible.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of the committee, to whom two letters, one from the Commander in Chief, and the other from the commissary general of purchases, were referred on the 8th day of October last, a warrant issue, on his excellency, John Rutledge, Esquire, governor of the State of South Carolina, for one million of dollars, in part of the monies raised in the said State for the use of the United States, in favour of George Abbot Hall and John Lewis Gervais, Esquires, of the said State, appointed by the committee aforesaid to purchase a quantity of rice for the army of the United States and the fleet of Count D'Estaing; the said George Abbot Hall and John Lewis Gervais to be accountable.

That a warrant issue on Gibbs, Parker and Blake, commissioners of the continental loan office, for the State of South Carolina, for two hundred thousand dollars, in favour of William Palfrey, paymaster general, to be transmitted to Joseph Clay, deputy paymaster general in the southern department, for the supply of the military chest there; the said deputy paymaster general is to be accountable.

That a warrant issue on the treasurer, in favour of William Palfrey, paymaster general, for two hundred thousand dollars, for the use of his department; for which he is to be accountable.

The Board having taken in consideration the memorial of Francis Hopkinson, Esqr., Treasurer of Loans referred to them by Congress on the 31st ult. beg leave further to report the following resolution:

¹ This motion, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 147, IV, folio 23.

Resolved, That the Treasurer of Loans be allowed $\frac{1}{100}$ per cent for his trouble in signing the bills of exchange ordered to be drawn by the resolution of the 23^d of November last, in keeping
Postponed. books, writing letters of advice, and performing any other Duties incident to this appointment.¹

Resolved, That a member be added to the Committee on Appeals, in the room of Mr. [William] Paca, who is absent: The member chosen, Mr. [Oliver] Ellsworth.

Congress resumed the consideration of the report of the committee on a plan for establishing a court of appeals,

And on the motion of Mr. [Robert R.] Livingston, viz.

"That the judges of the said court hold their sessions at such time and place, as shall appear to them most advantageous to the public, having respect to the number of appeals depending and the places in which the causes may arise; provided that the court shall at no time be held to the southward of Williamsburg in Virginia, or to the eastward of Hartford in the State of Connecticut,"

The yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay	Mr. Muhlenberg,	ay	} ay
Folsom,	ay		McLené,	ay	
<i>Massachusetts Bay,</i>			Shippen,	ay	
Mr. Holten,	ay	} div.	<i>Maryland,</i>		
Partridge,	no		Mr. Plater,	no	} no
<i>Rhode Island,</i>			Forbes,	no	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	no	} no
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>		
Sherman,	ay		Mr. Penn,	no	} no
Ellsworth,	no		Jones,	no	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Floyd,	ay	} ay	Mr. Matthews,	no	} no
L'Hommedieu,	ay				
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Houston,	ay				

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 11.

So the States were equally divided, and the motion lost.

Congress proceeded in the consideration of the report and the determination of the question,

"That the trial of all captures in the courts of admiralty be according to the usage of nations and not by jury," was put off by the State of Pennsylvania.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 6, 1780

A letter, of 5th, from E. Blaine, commissary general of purchases, was read:¹

Ordered, That it be referred to the committee appointed to ascertain proper salaries for the purchasing commissaries, &c.

A memorial from Colonel N. Gist, in behalf of the officers of his corps, was read:²

Ordered, That it be referred to the Board of War.

A petition of Joseph Mead was read:

Ordered, That it be referred to the Committee of Commerce to take order thereon.

A representation from the legislature of the State of New Jersey;³

A letter, of 19th November, from G. Morgan, and a petition from Thomas Bentley, were read.⁴

On the question to agree to the question, the determination of which was yesterday postponed, the yeas and nays being required by Mr. [John] Mathews,

¹ This letter is in the *Papers of the Continental Congress*, No. 165, folio 311.

² This memorial, undated, is in the *Papers of the Continental Congress*, No. 41, III, folio 461.

³ This representation, dated December 25, 1779, is in the *Papers of the Continental Congress*, No. 68, folio 515.

⁴ Bentley's petition, dated January 4, 1780, is in the *Papers of the Continental Congress*, No. 42, I, folio 201; Morgan's letter is in No. 163, folio 345.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	no		Muhlenberg, McLane	ay	
<i>Massachusetts Bay,</i>			Shippen,	ay	
Mr. Holten,	no	} no	<i>Maryland,</i>		
Partridge,	no		Mr. Plater,	ay	} ay
<i>Rhode Island,</i>			Forbes,	ay	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	ay	} ay
Mr. Huntington,	no	} div.	<i>North Carolina,</i>		
Sherman,	ay		Mr. Penn,	ay	} ay
<i>New York,</i>			Burke,	ay	
Mr. Livingston,	ay	} ay	Jones,	no	
Floyd,	ay		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Mathews,	no	} no
Mr. Fell,	ay	} div.			
Houston,	no				

So it was resolved in the affirmative.

Congress proceeded in the consideration of the report respecting the establishing a court of appeals.

The Committee on the Post Office delivered in a report.

That upon a conference with the Gentlemen of the post office, your Committee are of opinion until the farther orders of Congress that the surveyors of the post office be allowed their reasonable expences in travelling the roads an account of such expences to be rendered every three months to the post master General upon oath, and that a late resolution of Congress giving 40 dollars a day be repealed.

Resolved that as the business of the post office will henceforward be greatly accumulated, and its revenue at least twenty times increased, that the post master General be allowed at the rate of 10,000 dollars a year until the farther order of Congress, being only ten times the original salary.¹

Adjourned to 10 o'Clock to Morrow.

¹ This report is in the *Papers of the Continental Congress*, No. 61, folio 465. It is endorsed by Thomson: "The first part passed January 7, 1780; latter part relative to postmaster general postponed."¹

FRIDAY, JANUARY 7, 1780

A petition of John Streeper was read:¹

Ordered, That it be referred to the Board of Treasury.

A report of the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the managers of the United States lottery for the sum of thirty thousand dollars, in favour of Charles Pettit, Esquire, assistant quarter master general; on account of Major General Greene, quarter master general, to be applied to the forwarding provisions to the army in New Jersey; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Peter Knight, merchant in Philadelphia, for the sum of two hundred and fifty dollars, to discharge the first bill of exchange drawn on the said treasurer by Samuel Johnston, treasurer of the northern district in North Carolina, dated the 16th day of March, 1777, for that sum, to be charged to the said State.²

The committee, to whom was referred the letter of 5th, from E. Blaine, brought in a report; Whereupon,

Resolved, That the commissary general of purchases be empowered to appoint an assistant, whose duty it shall be to remain at headquarters and receive the directions of the Commander in Chief and the commissary general.

That the said assistant be allowed a salary at the rate of 10,000 dollars per annum, two rations a day, and forage for one horse, until the farther order of Congress.

That the coopers, butchers, packers, drovers and superintendants of cattle, be under the regulations and directions formerly established by resolutions of Congress:

That a letter be written to the governor of Connecticut, representing the apprehensions of Congress on account of the

¹ This petition, dated January 3, 1780, is in the *Papers of the Continental Congress*, No. 42, VII, folio 81.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 15.

small supply of beef, and requesting the immediate aid of the legislature of that State to the commissary general or his assistant, in procuring and forwarding the same; the expence of which Congress will find means to defray, or credit to the State, in part of their quota of supplies.

Ordered, That such parts of the letter, of 5, from E. Blaine, as relate to a supply of money be referred to the Board of Treasury.¹

A representation from the supreme executive council of Pennsylvania, respecting the barracks near the city of Philadelphia, and the barrack master's department, was laid before Congress:²

Ordered, That it be referred to the Board of War, and that they be directed to discharge immediately the supernumerary officers in the barrack master's department, and take further order thereon.

Resolved, That when expresses are wanted for forwarding dispatches from Congress, or any of their committees, application be made to the Board of War; who are to provide the same:

Ordered, That the Committee of Commerce dispose of the sugar and coffee in their possession in this city, in such manner as they shall deem most for the public interest.

Congress took into consideration the report of the Committee on the Post Office: Whereupon,

Resolved, That until the further order of Congress, the surveyors of the post office be allowed their reasonable expences in travelling the roads; an account of such expences to be rendered every three months to the post master general, upon oath; and that a late resolution of Congress, giving forty dollars a day, be repealed.

¹ This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 19, I, folio 369.

² This representation, dated December 24, 1779, is in the *Papers of the Continental Congress*, No. 43, folio 239.

Ordered, That the remainder of the report be postponed.

Congress resumed the consideration of the report of the committee for establishing a court of appeals; when

A motion was made by Mr. [William] Ellery, seconded by Mr. [Roger] Sherman,

That the judges of the said court hold their sessions at the city of Philadelphia, in the State of Pennsylvania, at Williamsburg, in the State of Virginia, and at Hartford, in the State of Connecticut, and at such other places not to the eastward of Hartford, nor to the southward of Williamsburg, and at such times as they shall judge will be most for the public benefit.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [Oliver] Ellsworth, to strike out all that follows the word, "Pennsylvania," in order to insert in lieu thereof, the words "or at the place where Congress, or the committee of the States, in the recess of Congress, shall sit." On the question, shall the words moved to be struck out, stand, the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	ay	} ay	Mr. Fell,	no	} div.
Folsom,	ay		Houston,	ay	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Holten,	ay	} ay	Mr. Muhlenberg,	no	} div.
Partridge,	ay		McLene,	ay	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Plater,	no	} no
<i>Connecticut,</i>			Forbes,	no	
Mr. Huntington,	ay	} ay	<i>Virginia,</i>		
Sherman,	ay		Mr. Griffin,	no	} no
Ellsworth,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Burke,	no	} no
Mr. Livingston,	ay	} ay	Jones,	no	
Floyd,	ay		<i>South Carolina,</i>		
L'Hommiedieu,	ay		Mr. Mathews,	no	} no

So it was resolved in the affirmative.

On the question to agree to the motion,

Resolved in the affirmative.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [John] Mathews,

"That one judge of the court of appeals shall be an inhabitant of the State of Virginia, North Carolina, South Carolina, or Georgia; one, an inhabitant of Maryland, Delaware, Pennsylvania, New Jersey, or New York; and one, an inhabitant of the State of Connecticut, Rhode Island, Massachusetts Bay, or New Hampshire."

When the question was about to be put, the previous question was moved by Mr. [John] Penn, seconded by Mr. [Nathaniel] Folsom,

On which, the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	ay	}	Mr. Fell,	ay	}
Folsom,	ay		Houston,	ay	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Holten,	ay	}	Mr. Searle,	ay	}
Partridge,	ay		McLene,	ay	
<i>Rhode Island,</i>			Shippen,	ay	
Mr. Ellery,	ay	}	<i>Maryland,</i>		
<i>Connecticut,</i>			Mr. Plater,	no	}
Mr. Huntington,	ay	}	Forbes,	no	
Sherman,	ay		<i>Virginia,</i>		
Ellsworth,	ay		Mr. Griffin,	no	}
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Livingston,	ay	}	Mr. Penn,	ay	}
Floyd,	ay		Burke,	no	
L'Hommedieu,	ay		<i>South Carolina,</i>		
			Mr. Mathews,	no	}
				no	}

So it was resolved in the affirmative, and the main question was set aside.

A motion was made by Mr. [Nathaniel] Peabody, seconded by Mr. [James] McLene,

"That all bona fide claimants of property in any capture praying an appeal, shall be allowed the same, unless restrained by a law of the State to which such claimants belong."

On which, the yeas and nays being required by Mr. [Samuel] Holten,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay	Mr. Searle,	ay	} ay
Folsom,	ay		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Holten,	ay	} ay	Shippen,	ay	
Partridge,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	no	} no
Mr. Ellery,	no	} no	Forbes,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	} no	Mr. Griffin,	no	} no
Sherman,	ay		<i>North Carolina,</i>		
Ellsworth,	no		Mr. Penn,	no	} no
<i>New York,</i>			Burke,	no	
Mr. Livingston,	no	} no	<i>South Carolina,</i>		
Floyd,	no		Mr. Mathews,	no	} no
L'Hommedieu,	no				
<i>New Jersey,</i>					
Mr. Fell,	no	} no			
Houston,	no				

So it passed in the negative.

On motion of Mr. [James] Searle, seconded by Mr. [Roger] Sherman,

Ordered, That the Board of Treasury for the present suspend the publication relative to the sale of bills of exchange.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 8, 1780

A report from the Board of War was read; Whereupon, *Resolved*, That the resignation of Lieutenant Joseph Hite, of the 8th Virginia regiment, be accepted.¹

Another report from the Board of War was read; Whereupon,

AT A BOARD OF WAR, *Jan'y 7, 1780.*

Present M^r Peters, Col^o Grayson.

The Board having taken into consideration the memorial of Col. Nathaniel Gist, and a letter from Lieu^t Kelly, respecting an allowance for their trouble in going to the Cherokee Country by order of his Excellency the Commander in Chief—are of opinion, that as this service was out of the line of duty of continental officers, and which they were not obliged to execute in virtue of their commissions, they ought to receive reasonable compensations which it ~~seems~~ is alledged was promised ~~by the General~~ before they would undertake to do the business.

Therefore the Board beg leave to recommend, That it be Resolved, That Col^o Nath^l Gist be paid the sum of five thousand dollars for his trouble and services, and the hazard he run in going twice to the Cherokee nation, to treat with them by order of the Commander in Chief.

That L^t Kelly be paid one thousand dollars for his trouble in going with Col Gist to the Cherokee nation.

Ordered, That Colonel Gist's account of sundries expended for the public service, be referred to the Board of Treasury.²

That the report of the Board of War for granting a compensation to Colonel Gist, and Lieutenant Kelly, for their trouble, expence and hazard in going to the Cherokee country, be postponed.

Another report from the Board of War was read; Whereupon,

¹This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 45.

²This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 49.

A note is added to the report: "The account referred to, Col. Gist has in his own possession."

AT A BOARD OF WAR, *Jany 7th 1780.*

Present Col Pickering, M^r Peters, Col^o Grayson.

The board having taken into consideration the letter from Major Gen^l Lincoln of Dec^r the 2^d 1779, referred to them by Congress, beg leave to report,

That so much of Gen^l Lincolns letter as relates to money, be referred to the Treasury board.

With respect to the 500 dollars to be paid by the Quarter Master General under the resolution of August the 12th 1778 to such officers authorized to be in the field on horse back; who shall have their horses killed in action, the board are of opinion, that however adequate this sum might be at the time of making the resolve, yet at present, it is on account of the great depreciation of the money—by no means equal to the object Congress had in view, and therefore recommend,

Resolved, That, every officer in the army of the United States, whose duty requires his being on horse back in time of action, be allowed a sum not exceeding the average price given at the time in the department, or place where the accident shall happen for horses purchased for private dragoons, as a compensation for any horse he shall have killed in battle. This resolution to have retrospect as far as the 1st of January 1779 and the quarter master general or his deputy is hereby authorized to pay the value of such horses, not exceeding the said price, to the respective sufferers, on the facts being properly authenticated.

In regard to the Georgia Regiments, and the Officers of the Gallies and of the light Dragoons who are on Continental establishment—the board are of opinion and beg leave to report,

Resolved, That the four Georgia regiments be reformed, and no more officers retained in the service than are necessary for two regiments;

That the commanding officer of the Southern army establish some equitable rule for the arrangement of the said officers; and such as are left out of the arrangement be

deemed supernumeraries, agreeably to the rules adopted in the main army, and entitled to the benefits allowed by the resolution of the 24 November, 1778;

That such of the officers as are retained in service shall be employed, until the regiment can be recruited, in such way as the said commanding officer shall deem most conducive to the public interest;

That the Georgia officers of the Gallies and of the light dragoons who are on continental establishment be considered as supernumeraries.

The board would have proposed reducing the Georgia regiments to one, agreeably to the regulation of the late Committee of arrangement, were it not for the singular circumstances attending them at this time from the operations of the Enemy in that State, and a hope that an African regiment may be raised for one of the corps of officers. The principal circumstance we allude to, is the distress that must attend the reduced Officers, at present expatriated, and we think it would be impolitic at this time to hazard their disgust. Yet the reduction to two regiments we conceive may not be difficult, as numbers of the Officers belong to other States who could with less inconvenience quit the service.¹

A report from the Board of Treasury was read; Whereupon,

The Board of Treasury having according to order reconsidered their report of the 27 ult. on the account of Benjamin Randolph beg leave to report the following resolution:

Ordered, That a warrant issue on the treasurer, in favour of Benjamin Randolph, of Philadelphia, for four thousand, three hundred and sixty three dollars and 21/90 for the use of his house, and sundry articles of furniture, from the 14th of December, 1778, to the 25 of March, 1779, and for sundry necessaries furnished to Mr. [John] Jay, late President of Congress while the said house was occupied by him.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 41.

That a warrant issue on the treasurer, in favour of Jesse Brown, for three thousand, one hundred and sixty dollars and 45/90, the ballance of his account ~~of expenses in conducting Mrs. Huntington wife of the Honorable the President from Norwich in Connecticut to Philadelphia to be charged to the contingent expenses of~~ to be charged to the United States.¹

A report from the Board of Admiralty was read; Whereupon

BOARD OF ADMIRALTY, 8th Jan'y., 1780.

The board beg leave to represent to Congress that application being made to the Navy board for the pay of fifteen Marines enlisted during the war and doing Garrison duty, think themselves intituled to the same allowance as that given to the army by a resolve of Congress of the 18th of August last, which is submitted to Congress for their directions thereon.²

Resolved, That the marines of the navy of the United States, whilst doing garrison duty, be allowed the same subsistence monies as is allowed to the officers and soldiers in the line of the army by the resolution of Congress of 18 August, 1779.

A motion was made by Mr. [Roger] Sherman, seconded by Mr. [Nathaniel] Peabody, relative to the additional battalions:

Ordered, That it be referred to the Board of War.

A motion was made by Mr. [Robert R.] Livingston, seconded by Mr. [John] Penn,

Ordered, That the consideration thereof be postponed till Monday next,

Ordered, That a warrant issue on the treasurer, in favour of E. Blaine, commissary general, for two hundred thousand dollars, for the use of his department, and for which he is to be accountable.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 19.

² This report is in the *Papers of the Continental Congress*, No. 37, folio 173.

Congress resumed the consideration of the report of the committee for establishing a court of appeals, when a motion was made by Mr. [James] McLene, seconded by Mr. [Nathaniel] Peabody, to add to the resolutions already passed, as follows, Provided that nothing in the foregoing resolutions shall be construed to admit an appeal in any case where all the parties concerned are citizens of one and the same State, unless allowed by the legislature of the said State.

When the question was about to be put, the previous question was moved by Mr. [John] Penn, seconded by Mr. [Cyrus] Griffin, on which the yeas and nays being required by Mr. [Samuel] Holten,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Peabody,	no }	Mr. Searle,	no }
Folsom,	no } no	McLene,	no } no
<i>Massachusetts Bay,</i>		<i>Delaware,</i>	
Mr. Holten,	no }	Mr. McKean,	no }
Partridge,	no } no	<i>Maryland,</i>	
<i>Rhode Island,</i>		Mr. Plater,	ay }
Mr. Ellery,	ay }	Forbes,	ay } ay
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Huntington,	no }	Mr. Griffin,	ay }
Sherman,	no } no	<i>North Carolina,</i>	
Ellsworth,	ay }	Mr. Penn,	ay }
<i>New York,</i>		Burke,	ay }
Mr. Livingston,	ay }	Jones,	ay }
Floyd,	ay }	<i>South Carolina,</i>	
L'Hommedieu,	ay } ay	Mr. Mathews,	ay }
<i>New Jersey,</i>			
Mr. Fell,	no }		
Houston,	no } no		

So the states were equally divided, and the previous question lost. On the question to agree to the main question, the yeas and nays being required by Mr. [Samuel] Holten,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay	Mr. Searle,	ay	} ay
Folsom,	ay		McLene,	ay	
<i>Massachusetts Bay,</i>			<i>Delaware,</i>		
Mr. Holten,	ay	} ay	Mr. McKean,	no	} no
Partridge,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	no	} no
Mr. Ellery,	no	} no	Forbes,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	} no	Mr. Griffin,	no	} no
Sherman,	ay		<i>North Carolina,</i>		
Ellsworth,	no		Mr. Penn,	no	} no
<i>New York,</i>			Burke,	no	
Mr. Livingston,	no	} no	Jones,	no	
Floyd,	no		<i>South Carolina,</i>		
L'Hommedieu,	no		Mr. Mathews,	no	} no
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Houston,	ay				

So it passed in the negative.

The whole resolutions as agreed to in the house, being read, as follows:

Resolved, That the trials in the courts of admiralty, in cases of captures, be according to the usage of nations and not by jury.

That all exhibits, evidence and proceedings be in writing and at full length.

That the judges of the courts of admiralty in the several states shall order and direct all captures, to be inventoried and appraised in current money, and according to current prices, which inventory and appraisement shall be filed in the said court.

That a court be established for the trial of all appeals from the courts of admiralty in these United States, in cases of captures, to consist of three judges learned in the law, appointed and commissioned by Congress, that any

two of them in the absence of the other hold the said court for the dispatch of business.

That the said court of appeals have all the powers of a court of record, in fining and imprisoning for contempts and disobedience.

That the courts of admiralty, and all officers of the said courts pay obedience to the decrees and orders of the said court of appeals, so far as may be necessary for the carrying into execution the decrees of the said court.

That the judges of the said court hold their sessions at the city of Philadelphia in the State of Pennsylvania, at Williamsburg in the State of Virginia, and at Hartford in the State of Connecticut, and at such other places not to the eastward of Hartford, nor to the southward of Williamsburg, and at such times as they shall judge will be most for the public benefit.

That the judges of the court of appeals be authorised to appoint a register and marshal of the said court and the same to remove at pleasure.

That all fines imposed by the court of appeals be collected by the register and paid into the continental treasury.

That no appeal be admitted unless demanded within five days after definitive sentence in the court of admiralty and lodged with the register of the court of appeals within forty days afterward, and unless the party appealing shall have given good and sufficient surety to prosecute the said appeal to effect, and be answerable for costs and charges in case the sentence is confirmed.

That each of the judges of the court of appeals shall be allowed a salary at the rate of 30,000 dollars per annum for their services and expences, until the further order of Congress.

That a duty of one per cent on the appraised value of all prizes, the trial of which shall come before the said court,

shall be paid into the continental treasury, out of which shall be defrayed the charges of the said court of appeals; and the overplus, if any, shall be applied to the support of seamen disabled in the service of the United States.

On the question to agree to the whole of the foregoing regulation, the yeas and nays being required by Mr. [Samuel] Holten,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	no		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Holten,	no	} no	<i>Delaware,</i>		
Partridge,	no		Mr. McKean,	ay	} ay
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Plater,	no	} no
<i>Connecticut,</i>			Forbes,	no	
Mr. Huntington,	ay	} ay	<i>Virginia,</i>		
Sherman,	ay		Mr. Griffin,	no	} no
Ellsworth,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	no	} no
Mr. Livingston,	ay	} ay	Burke,	no	
Floyd,	ay		<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	no	} no
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Houston,	ay				

So the States were equally divided, and the question lost.

On motion of Mr. [William Churchill] Houston, seconded by Mr. [John] Mathews,

Resolved, That a committee of four be appointed to prepare a plan for establishing a court of appeals, and that the papers before the House on that subject be referred to them.

The members chosen, Mr. [Oliver] Ellsworth, Mr. [Thomas] McKean, Mr. [William Churchill] Houston, and Mr. [Robert R.] Livingston.

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 10, 1780

A letter, of this day, from Jeremiah Wadsworth, was read:
Ordered, That it be referred to the Board of Treasury.

A letter was read, signed Charles Lee, but not in his handwriting, in the words following:

‘BERKELEY COUNTY,

Sir, I understand that it is in contemplation of Congress on the principle of œconomy to strike me out of their service. Congress must know very little of me, if they suppose that I would accept of their money since the confirmation of the wicked and infamous sentence which was passed upon me. I am, Sir, your most obedient servant,

CHARLES LEE.

Excuse my not writing in my own hand, as it is wounded.

CHARLES LEE.”

Superscribed, “The honble President of Congress, Philadelphia.”¹

A motion was made by Mr. [James] McLene, seconded by Mr. [John] Penn,

That Major General Charles Lee be informed, that Congress have no farther occasion for his services in the army of the United States.

A motion was made by Mr. ~~Gerry~~, [Thomas] McKean, seconded by Mr. [Robert R.] Livingston,

That the consideration of the motion be postponed; on which the yeas and nays being required by Mr. [John] Penn,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Peabody,	ay	} div.	Mr. Huntington,	no	} no
Folsom,	no		Sherman,	no	
<i>Massachusetts Bay,</i>			<i>New York,</i>		
Mr. Gerry,	ay	} no	Mr. Livingston,	ay	} ay
Holten,	no		Floyd,	ay	
Partridge,	no		L'Hommedieu,	ay	
<i>Rhode Island,</i>					
Mr. Ellery,	ay	} ay			

¹ This letter is in the *Papers of the Continental Congress*, No. 158, folio 143.

<i>New Jersey,</i>			<i>Maryland,</i>		
Mr. Fell,	no	} no	Mr. Plater,	ay	} div.
Houston,	no		Forbes,	no	
<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Muhlenberg,	no	} no	Mr. Griffin,	no	} no
McLene,	no		<i>North Carolina,</i>		
Shippen,	no		Mr. Penn,	no	
<i>Delaware,</i>			Jones,	ay	} div.
Mr. McKean,	ay	} ay	<i>South Carolina,</i>		
			Mr. Mathews,	ay	} ay

So it passed in the negative.

On the question to agree to the main question, the yeas and nays being required by Mr. [John] Penn,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} div.	Mr. Muhlenberg,	ay	} ay
Folsom,	ay		McLene,	ay	
<i>Massachusetts Bay,</i>			<i>Delaware,</i>		
Mr. Gerry,	no	} div.	Mr. McKean,	ay	} ay
Holten,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	ay	} ay
Mr. Ellery,	no	} no	Forbes,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	ay	} ay	Mr. Griffin,	no	} no
Sherman,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	ay	} div.
Mr. Livingston,	no	} no	Jones,	no	
Floyd,	no		<i>South Carolina,</i>		} no
L'Hommedieu,	no		Mr. Mathews,	no	
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Houston,	ay				

So it was resolved in the affirmative.

A letter, of this day, from Charles Pettit, was read:¹

Ordered, That it be referred to the Committee on the Post Office, to take order thereon.

¹ This letter is in the *Papers of the Continental Congress*, No. 192, folio 277.

A letter, of 10th, from the Board of War, was read, enclosing a letter, of 5, from Asa Worthington:¹

Ordered, That the same be referred to the committee of the 17th December, for estimating the supplies to be furnished by the several states.

A letter, of 8, from the Board of War, was read, respecting the continuing the purchase of cloathing:

WAR OFFICE, *January 8, 1780.*

SIR: The board think it proper to inform Congress that owing to the present situation of the public finances which preclude a possibility we presume of proper supplies, and with a hope that the measure tho' dictated to us by necessity may produce salutary effects, we have directed no purchases of cloathing to be made by our agents, until they receive farther orders from us. We are not justified in this by any appearances of a sufficient supply being provided for the troops who are not in a condition in this respect even comfortable, there being a great deficiency of many of the articles of cloathing, and but a bare supply of any. The articles of blankets, hose or woollen overalls, shirts and shoes are distressingly wanted. Hats also are very scarce. The States one or two excepted, have done little towards the cloathing of the troops, and we were never in a situation to make an ample provision, even when money was more abundant than it now is. At present tho' goods are repeatedly offered to us, we have it not in our power to pay for any articles of consequence. After thus having stated the matter to Congress we shall wait their directions, and assistance if it should be deemed proper for us to proceed in purchasing, a business to which we have often told Congress we deem ourselves inadequate, but which we have prosecuted with as much attention as our other business would permit tho' the task has ever been unpleasant from a conviction that it was impossible for us to execute it with advantage to the public interest. Nor will this matter in our humble opinion ever be on a proper footing, until either every State shall clothe its own quota of troops, or some person who has no other business be appointed to make the provision *Continental*ly. But we hope the supplies expected from Europe, will supercede the necessity of any other provision. Whether our hopes are

¹The letter of the Board of War is in the *Papers of the Continental Congress*, No. 148, I, folio 5.

well founded Congress best know. We have never been perfectly satisfied ourselves and therefore we never could satisfy the anxious enquiries of the officers of the certainty of these supplies. And we take the liberty of mentioning to Congress our opinion, which was strengthened by the like sentiment expressed on this subject by Mons^r Gerard, that however well inclined the court and the officers of France may be to accommodate the United States, their wishes will never be gratified, unless a person having a knowledge of goods, and attentive to business is appointed to be on the spot, and superintend the providing and shipping the articles. Indeed this is a measure so obviously necessary, that we presume it must have occurred to, and is perhaps ordered by Congress.

Before we quit this subject we beg leave to mention the repeated applications and uneasiness of the officers of the Line, not provided for by any State and of the staff in general. These applications have been more frequent and the uneasiness more inflamed by the publication of the late Resolution of Congress directing how the cloathing was to be distributed, which led the Officers to believe there was some provision made of articles subject to the disposition directed by that Resolution. We must therefore renew our application that some means of satisfying the demands of these officers may be directed by Congress, tho' when we consider the amount of the sums necessary for this purpose we perceive difficulties almost insuperable at this late period.¹

Ordered, That the suspension be taken off, and that the Board of Treasury proceed in the publication relative to the sale of bills of exchange.

Congress took into consideration the motion made by Mr. [Robert R.] Livingston; after debate,

Resolved that the Commander in Chief be directed to dismiss all the Troops whose times will expire by the 1st day of April next who shall be willing to receive their discharge.

Resolved that the number of Regiments be reduced to sixty and the soldiers of such regiments, incorporated with those that remain upon the establishment.

Resolved that the Board of War report a plan for such reduction.

¹ This report is in the *Papers of the Continental Congress*, No. 148, I, folio 1.

Resolved that the reduced officers be allowed full pay exclusive of rations and subsistence money during the war, and such other allowance after the war as is made to those officers who have served during the war.

Resolved that any vacancy in the sixty battallions be filled up by officers from the reduced regiments having respect to the States to which such regiments belong.¹

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Nathaniel] Peabody, That it be referred to a committee of three, that the committee repair to headquarters, consult General Washington on the subject thereof, and report to Congress; and that the committee in conjunction with the General be authorised to take such measures as they may judge necessary, for obtaining immediate supplies of provision for the army. A division was called for and on the question to agree that it be referred to a committee,

Resolved in the affirmative.

Another division was called for, and on the question on the first part, directing the committee to repair to headquarters, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Peabody	ay	} ay	Mr. Huntington,	no	} no
Folsom,	ay		Sherman,	no	
<i>Massachusetts Bay,</i>			Ellsworth,	ay	
Mr. Gerry,	ay	} ay	<i>New York,</i>		
Holten,	ay		Mr. Livingston,	no	} no
Partridge,	ay		Floyd,	no	
<i>Rhode Island,</i>			L'Hommedieu,	no	
Mr. Ellery,	no	} no			

¹ This motion, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 36, I, folio 53. It is endorsed "11th January the Committee sent a copy of the resolutions to General Washington and requested his opinion thereon. January 29, 1780, referred to the Board of War." Draft of Washington's reply, dated Jan. 23, 1780, is in the Washington Papers, A. V., pt. 1, 153. It is printed in *The Writings of Washington* (Ford), VIII, 174.

<i>New Jersey,</i>			<i>Maryland,</i>		
Mr. Fell,	no	}	Mr. Plater,	no	}
Houston,	no		Forbes,	no	
<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Searle,	no	}	Mr. Griffin,	ay	}
McLene,	no		<i>North Carolina,</i>		
Shippen,	no		Mr. Penn,	no	
<i>Delaware,</i>			Burke,	no	}
Mr. McKean,	no	}	<i>South Carolina,</i>		
			Mr. Mathews,	no	}

So it passed in the negative, and the remaining part of the motion fell of course.

Congress proceeded to the election of a committee, and the ballots being taken,

Mr. [Elbridge] Gerry, Mr. [Robert R.] Livingston and Mr. [John] Mathews, were elected.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 11, 1780

A letter, of 10, from the Board of War, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 10, from the Board of War, was read, stating the case of Lieutenant Vaudoré, and accompanied with a resolution for granting him the brevet of captain, and a sum of money to enable him to return to France.¹

On the question to agree to the said resolutions,

Passed in the negative.

A letter, of 7, from George Morgan, was read:²

Ordered, That it be referred to the Board of Treasury.

A report from the Board of Treasury was read, relative to the report of James Milligan, late one of the commissioners of accounts, and authorized by special appointment of the

¹ This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 13; the first letter of the Board of War is on folio 9.

² This letter is in the *Papers of the Continental Congress*, No. 163, folio 347.

Board, on the 21 day of June last, in consequence of an order of Congress of the 7th of the same month, to repair to Virginia, and settle the accounts of the United States against the troops of the convention of Saratoga; and the correspondence between the said James Milligan and Major General William Phillips, senior officer of the said troops; together with sundry other papers relative to the said accounts: Whereupon,

Resolved, That for facilitating the settlement of the accounts of the United States against the troops of the Convention of Saratoga, which have arisen subsequently to those settled and paid by Lieutenant General Burgoyne, previous to his departure for England, all articles proper to be included be charged at the same rates as the like articles were charged in the accounts settled between Major General Heath and Lieutenant General Burgoyne.

That all supplies hereafter furnished to the said troops be charged in like manner.

That Major General Phillips, now in New York on parole, be required to have the amount due for provisions and other articles supplied to the said troops, in the months of March, April, May, June, July and August, 1778, and January, February, March, April, May, June and July, 1779, forthwith discharged, agreeably to the resolutions of Congress of the 19 December, 1777, and 22 May, 1778.

That if Major General Phillips shall persist in refusing to discharge the said accounts, demand thereof be made from General Sir Henry Clinton, or the officer commanding in chief the British forces at New York.

That in case of non-compliance in this resort, the guards be thereupon doubled, at the expence of the British government, and the said troops kept on half allowance for the space of one month; on one third allowance for the succeeding month; and thenceforward one fourth allowance, till further

order shall be taken for the equitable adjustment of the premises.

That the mode adopted by George Rice, assistant deputy quartermaster general, at Charlotteville, for apportioning the charges of supplies furnished by the quartermaster general's department to the troops of the Convention, and the guards, appears to be the only practicable one left for adjusting the same.

That the quartermaster general be directed to take effectual care that the accounts of all supplies which may in future be furnished by his department for the said Convention troops, be kept separate from the accounts of supplies furnished for the guards.

That the Board of Treasury be authorised and directed to commission and instruct some suitable person or persons to compleat the final settlement of the said accounts, and receive the sums due thereon, or the articles delivered in kind, on the part of the enemy.

That the said Board give the necessary orders for collecting the vouchers and preparing the accounts of the supplies furnished to the said Convention troops, from the 1st. of September to the 31 December, 1778, and from 1st. August to the 31 December, 1779.¹

Another report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Charles Pettit, assistant quartermaster general, a warrant issue in his favour, on Joseph Borden, commissioner of the continental loan office for the State of New Jersey, for twenty thousand dollars, on account of Major General Greene, quarter master general, and for the use of his department; for which he is to be accountable.

¹ These resolutions were also entered in the manuscript Secret (Domestic) Journal. The report is in the *Papers of the Continental Congress*, No. 136, IV, folio 23.

That a warrant issue on the treasurer, in favour of Richard Philips, steward to the President of Congress, on his application, for five thousand dollars ~~for the use of the President's table~~; for which he is to be accountable.¹

A motion was made by Mr. [John] Mathews, seconded by Mr. [James] McLene, for apportioning to the States their quotas of the bills of credit emitted by Congress:

Ordered, That it be referred to a committee of five.

The members chosen, Mr. [John] Mathews, Mr. [Roger] Sherman, Mr. [Elbridge] Gerry, Mr. [Robert R.] Livingston, and Mr. [William Churchill] Houston.

Ordered, That the letter of 25 December, from Baron Micklaszewiz, be referred to the Board of War.

A memorial from the honble the Minister Plenipotentiary of France was read:

Ordered, That it be referred to a committee of four.

The members chosen, Mr. [William] Ellery, Mr. [James] Searle, Mr. [Oliver] Ellsworth, and Mr. [Thomas] Burke.

A letter, of 2, from General Washington, was read: ²

Ordered, That it be referred to the Board of War.

A letter, of 5, from General Washington, was read, enclosing a copy of a letter, of 3 December, from Governor Greene, of Rhode Island; and of one, January 4th, from Brigadier General Irwine; and one, of 3, from Royal Flint, assistant commissary.³

Ordered, That the enclosed letter from Governor Greene, with so much of the General's letter as relates thereto, be referred to the Board of War, and that the residue of the letter, with the other papers enclosed, be referred to the committee on Mr. [Robert R.] Livingston's motion.

Adjourned to 10 o'Clock to Morrow.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 27.

² The draft of this letter is in the Washington Papers, Series A. V, pt. 1, 119.

³ Washington's letter of January 5 is in the *Papers of the Continental Congress*, No. 152, VIII, folio 321; that of Irwine on folio 329; that of Flint on folio 325.

WEDNESDAY, JANUARY 12, 1780

A letter, of 8, from Major General Greene, quarter master general, was read:¹

Ordered, That it be referred to the Committee on the Post Office, together with so much of General Washington's letter, of 5, as relates to expresses.

A letter, of 8, from John Pierce, assistant paymaster general, was read:²

Ordered, That it be referred to the Board of Treasury.

A petition of Gosuinus Erkelens was read.³

A report from the Board of War was read; Whereupon

WAR OFFICE, *Jany 10th 1780.*

When the Commander in Chief detached the Virginia troops, a passage in his letter indicated his concern for the weakness of his army by making that detachment, and numerous discharges soon to take place of those men whose times of enlistment were near expiring. Under this view of the matter, the board thought the service of any number of troops, even for a few months an object of importance, and therefore reported to Congress that such of the Virginians whose times of inlistment would expire between the 1st of Jany and the last of March, should return to the main army. We since find that this has given dissatisfaction to those troops—that contrary to our expectations, very few reinlisted on the alternative of going home immediately, or returning to camp—that if permitted now to go home, two or three months indulgence may probably induce many afterwards to reinlist—and more than all, that the scarcity of provisions at camp renders it inexpedient that they should return thither. These reasons concur with the sentiments of the Commander in Chief, as expressed in the following extract of a letter from him to Gen^l Woodford, dated Dec^r 24, 1779: “As to the Officers and men who do not proceed to the southward on account of the short duration of the enlistments of the latter, Congress and the Board of War will

¹ This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 192.

² This letter is in the *Papers of the Continental Congress*, No. 165, folio 567.

³ This petition, undated, is in the *Papers of the Continental Congress*, No. 42, II, folio 400.

direct the conduct they are to pursue, you were certainly right, in my opinion in advising against their return to the army, and for the reasons you have assigned and in addition, their not returning will contribute in some degree to lessen our difficulties on the subject of supplies of provisions, which are distressing almost in the extreme." We therefore beg leave to report

Resolved, That such of the Virginia troops as by a resolve of the 15th of December last were required to return and join the main army, be marched by their officers to the State of Virginia and there discharged, a change of circumstances rendering their junction with that army unnecessary, except such number of those whose times of enlistment will latest expire, as shall be deemed necessary to be employed as guards by the Board of War.

Of the first division of prisoners sent lately to Fort Frederick we find upwards of fifty file too sick to proceed farther than Lancaster, and perhaps many of the second may be in the same condition, our intention therefore is, if Congress think proper, to retain a company of Virginians to guard those prisoners while at Lancaster, and when recovered to escort them to Fort Frederick.¹

Another report from the Board of War was read; Whereupon,

WAR OFFICE *Jany 11th* 1780

SIR: The Board are extremely averse from troubling Congress on matters of small importance. They ever avoid it except where consequences are involved in the measure which may create future uneasiness with respect to other cases. The officers of all the regiments of light dragoons are anxious to have as many of their men mounted as possible and from the scarcity of cash and the great expence of horses we have given very little encouragement to any applications for the purchase of horses. By the enclosed letter Congress will perceive that Gen^l Washington thinks Col^o Armand's case is an exception as he purchased the horses originally at his own expence and these are looked upon as a debt due in kind from the United States to Colonel Armand, tho' he does not expect that the

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 57.

horses shall be *his*, but remain the property of the public. If Congress shall be of opinion that Col^o Armand's request to have twelve horses to replace those lost last campaign ought to be complied with they will be pleased to resolve,

Resolved, That the Board of War be directed to order twelve dragoon horses to be delivered to Colonel Armand for the use of his corps, the said horses to be taken from those already purchased for public use, and not otherwise necessarily employed;

Or if so many cannot be found, that the deficiency be supplied by purchases for that purpose.

N. B. The Board have ordered (conditionally) seven horses out of those used by their escorts. So that there will remain five to be purchased if Congress direct it.¹

Ordered, That the remainder of the report be postponed.

The committee on the return of issues at Philadelphia delivered in a report, which was read; and after debate,

Ordered, That it be re-committed, and that the committee confer with the Board of War, and report to Morrow.

On motion of Mr. [John] Mathews, seconded by Mr. [George] Plater,

Congress resumed the consideration of the report of the Board of War, of 27 December last, respecting Captain Galvan; Whereupon,

Resolved, That Mr. Galvan receive the commission of major in the army of the United States, and be employed in the inspectorship, as the Commander in Chief shall direct.

The committee appointed to apportion the quota of supplies, &c., brought in a report, which was read:

That a sum equal to sixty one millions two hundred and fifty thousand dollars of Continental currency will be necessary for the ensuing year, to commence from the Day of last for the following articles viz.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 53.

Pay and subsistence of the army.....	20, 000, 000
Civil list.....	600, 000
Hospital staff.....	150, 000
Transportation expence.....	20, 000, 000
Recruiting men and horses.....	10, 000, 000
Gontingencies.....	10, 500, 000
	<hr/>
	61, 250, 000

That the Quotas of the respective States be as follows, to wit:

New Hampshire.....	1, 914, 062
Massachusetts Bay.....	8, 750, 000
Rhode Island.....	1, 531, 250
Connecticut.....	5, 104, 166
New York.....	5, 104, 166
New Jersey.....	3, 062, 500
Pennsylvania.....	7, 656, 250
Delaware.....	1, 020, 833
Maryland.....	5, 568, 181
Virginia.....	10, 208, 333
North Carolina.....	5, 104, 166
South Carolina.....	5, 104, 166
	<hr/>
	60, 128, 073

That the Quota of Georgia (she at present being not in condition to supply the same) be proportionably supplied by the other States, viz:

That a sum equal to 3,728,600 Spanish Milled Dollars will be required for supplying the Commissary and Quarter Master's Departments with the necessary articles of provision forage, soap, and candles.

That a sum equal to 2,200,000 Spanish Milled Dollars will be required in imported articles; and articles for exportation for the purpose of procuring foreign supplies.

That the following States can supply the said articles of Provisions, forage, and imported articles, and articles for exportation according to the following Estimate viz:

That the said States be required to supply the said commodities in the quantities to each assigned.

That every State be at liberty to pay her ballance of the quota assigned to her in all or any of the articles enumerated for exportation.

That every State have credit for the amount of all or any of the articles assigned to her, which shall be delivered to the Commissary General or his order, or have been delivered since the day of last by the authority of the State, at the prices affixed in specie to the same by these Resolutions.

That every State who shall fail to furnish the full quota of the specific supplies aforementioned, shall be charged interest on the deficiency at six per centum per annum on the amount in Spanish Milled Dollars.

That every State who shall furnish the quota of supplies assigned to her, or any part thereof shall be entitled to an interest of six per centum per annum on the amount furnished.

That every State who shall undertake to furnish the quota of specific supplies assigned to her in the foregoing Resolutions be excused from paying the tax required by the Resolution of, except so far as to compleat the quota of the sum of sixty one millions two hundred and fifty thousand Continental dollars above mentioned.¹

Ordered, That it be referred to a Committee of the Whole, and that the committee sit on Monday next.

The committee to whom was referred the letter of 5th instant from General Washington, inclosing a letter of the 3d from Royal Flint, assistant commissary, and one of the 4 from Brigadier General Irwine, brought in a report; Whereupon,

Ordered, That a copy of the said letters, as far as they respect the distress of the army from the want of provisions, be sent, with all possible dispatch, to the legislatures, or, in their recess, to the supreme executive councils of the States of Connecticut, New York, Pensylvania, and Delaware; and that they be respectively urged, in the most pressing manner, to send immediate supplies of provisions to the army.²

¹This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 26, folio 101.

²This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 19, VI, folio 273.

The Committee on the Post Office delivered in a report.

Congress took into consideration the report of the committee on the petition of Azariah Horton, in behalf of the officers of the mustering department, &c. Whereupon,

Resolved, That the mustering department be discontinued, and the officers thereof discharged.

And whereas the commissary general of musters has approved himself a good and faithful officer, and those who have been employed under him have given satisfaction in their offices:

Resolved, That the said commissary general of musters, and those officers who have continued in that department under him for eighteen months last past, shall be intitled to receive a sum equal to their pay respectively for the term of twelve months from this day.

Resolved, That in future the business of mustering the troops be performed by the inspectors of the army, in such manner and under such regulations as the Commander in Chief shall direct; who is hereby authorized to make the arrangements, reporting the same to Congress.¹

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 13, 1780

A letter, of 12, from E. Blaine, was read, accepting the appointment of commissary general of purchases:²

Ordered, That so much thereof as relates to a supply of money, be referred to the Board of Treasury.

A letter of the 4th, from General Washington, was read, accompanied with sundry papers relative to a proposed exchange of prisoners of war; Whereupon,³

¹ See *ante*, Vol. XV, p. 1329.

² This letter is in the *Papers of the Continental Congress*, No. 165, folio 315.

³ This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 287; the enclosures are on folios 291-299. Washington's letter is printed in *The Writings of Washington* (Ford), VIII, 152.

Resolved, That all the powers granted to General Washington, by the resolution of 5th March, 1779, respecting the exchange of prisoners, be, and they are hereby renewed and confirmed.

Ordered, That the papers accompanying the General's letter of 4 be returned to him.

Resolved, That it be recommended to the executive authorities of the several states, to transmit with all possible expedition to General Washington, the names and rank of all officers; and the number of privates belonging to the enemy, held as prisoners of war within their respective states, and the places they are at, in order that they may be included in the general exchange, should a cartel be agreed to, between the commanders in chief of the American and British armies.

Congress took into consideration the report of the Board of War, of 21 August last, relative to prisoners, and thereupon came to the following resolutions:

Many inconveniences attending the present management of prisoners of war, and great dissatisfaction having arisen from the mode of exchanging them heretofore used, from the partialities inevitably attending the same, while conducted under various directions by divers commissaries independent of each other; and sufficient provision not being made for their security, in many cases frequently occurring:

Resolved, That all prisoners of war, whether captivated by the army or navy of the United States, or by the subjects, troops, or ships of any particular State, shall be delivered into the care and custody of the commissary general of prisoners, his deputies or assistants, and be deemed and treated, in all respects, as prisoners of war to the United States:

That it be earnestly recommended to the governments of the respective states, that they make no exchanges of prisoners; to the intent, that all exchanges may be made through the commissary general of prisoners, by direction of Congress

or the Commander in Chief, or Board of Admiralty; and when prisoners are taken by the particular subjects, troops or vessels of any State, not in the service of the United States, or by private ships or vessels of war, fitted out in any particular State, these shall be first exchanged, so far as is necessary, for the subjects or inhabitants of the same State, taken by the subjects, adherents, ships or vessels of the enemy; and the overplus, if any, shall go towards redeeming the prisoners in the hands of the enemy; without regard to their being subjects or inhabitants of any particular State:

That all masters or commanders of private ships or vessels of war, shall take the utmost care to bring into port all prisoners captivated by them. And if from necessity they shall be obliged to dismiss any prisoners at sea, they shall, on return from their cruise, make report thereof, on oath, to the judge of the admiralty of the State to which they belong, or in which they arrive, within 20 days after their arrival, with their reasons for such dismissal. And if the judge shall not be satisfied with the reasons assigned, or if it shall appear that the prisoners were discharged to avoid the trouble or expence of bringing them into port, and delivering them into custody, or in any wise unnecessarily, then the judge shall transmit an account thereof to the executive of the State, who are requested to examine into the matter, and vacate the commission granted to the said delinquent master or commander of the ship or vessel, if they are of opinion that such dismissal was improper:

That all prisoners of war captivated by private ships or vessels of war, be delivered by and at the expence of the masters or owners of such ships or vessels, to a commissary of prisoners nearest the place of their landing, or into the nearest county gaol, on pain of forfeiture of the commission granted to such private ship or vessel:

That on such delivery of the prisoners into the gaol, the gaoler shall be obliged to inform the government of the State wherein the said prisoners are landed; or, in case of their residence at too great a distance, the lieutenant or commanding officer of the militia of the county wherein such prisoners are landed, the commissary general of prisoners or his deputy; that if the said prisoners are not deemed to be, by the executive of the State, or the said commanding officer of the militia, in a place of sufficient security, they may be removed under proper guards to a place or places of greater safety at the expence of the United States. And the executive powers of the respective states are requested to give the necessary orders to the commanding officers of the militia on this subject, and to pay the expences of escorting and transporting the prisoners; charging the same to the United States. The said executives are also requested to give orders to the officers of their militia, to take immediate charge of all prisoners of war captivated by the ships and vessels of war, belonging to the United States or to any particular State, and to convey them, at the expence of the United States, to the nearest commissary of prisoners, or county gaol; and also direct the like steps to be taken in regard to the removal to places of greater safety, as is provided in the case of prisoners captured by private vessels:

That it be recommended to the legislatures of the respective states, effectually to provide, at the expence of the United States, for the delivery and safe keeping of all prisoners captivated by their respective subjects, out of vessels stranded or cast on shore on their coasts, obliging the parties taking prisoners, to deliver them to the nearest commissary of prisoners or into the nearest gaol, in case no commissary of prisoners is stationed within convenient distance of the place of capture; and in case of neglect or misconduct in the persons so taking the prisoners, that they forfeit all right to the vessel, her

tackle, apparel and furniture so cast on shore, or the property they may save, or be otherwise entitled to out of such vessel; or imposing such other penalty as the said legislatures shall respectively think proper:

That it be recommended to the said legislatures to provide and direct, that all gaolers receive and deliver prisoners of war, without charging any fee or reward to the persons delivering them into or taking them by proper authority out of their custody. The reasonable expences of supporting such prisoners in gaol, to be paid by the government of the State wherein they shall be confined, and charged to the United States; except where they can and shall be otherwise provided for by the proper officer in the service of the United States. And the gaoler shall transmit a copy of his charges against the United States, for account of prisoners of war, to the commissary general of prisoners, or his nearest deputy, when any prisoners leave the gaol, either for removal to places of greater security, or for exchange:

That prisoners of war, either on their march, or in confinement, be furnished with only two-thirds of a soldier's ration:

That none but sick or wounded prisoners be allowed carriages at public expence:

That all prisoners on parole pay their own expences; and such expences shall be paid before they shall be exchanged:

That all officers, prisoners of war to the United States, unless in hospitals, pay their physicians, surgeons and attendants:

That the commissary general of prisoners and his deputies, make regular monthly returns, to the Board of War, of the numbers, situation and exchanges of all prisoners under their charge; and that they also give the said Board such occasional information, of all material transactions in their department, as circumstances from time to time render

necessary, or when they shall be required by the Board so to do, under pain of being suspended or dismissed by the said Board:

That all exchanges of prisoners made in consequence of the foregoing resolutions, shall be soldier for soldier and sailor for sailor.

The report recommending that after the first resolution it be resolved, "That the states whose inhabitants are exchanged for the prisoners captured by their vessels, or those of their subjects, be charged with the expence of securing and supporting the prisoners of the enemy so exchanged."

On the question to agree to this, the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Folsom,	no	} no	Mr. Fell,	no	} no
<i>Massachusetts Bay,</i>			Houston,	no	
Mr. Gerry,	no	} no	<i>Pennsylvania,</i>		
Lovell,	no		Mr. Searle,	no	} no
Holten,	no		McLene,	no	
Partridge,	no		Shippen,	no	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	} no	Mr. Plater,	ay	} ay
<i>Connecticut,</i>			Forbes,	ay	
Mr. Huntington,	no	} no	<i>Virginia,</i>		
Sherman,	no		Mr. Griffin,	no	} no
Ellsworth,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	no	} no
Mr. Livingston,	ay	} ay	Burke,	no	
Floyd,	ay		Jones,	no	
L'Hommedieu,	ay		<i>South Carolina,</i>		
			Mr. Mathews,	ay	} ay

So it passed in the negative.

A report of the Board of Treasury was read¹: Whereupon

¹ The report of the Board of Treasury is entered in the writing of George Bond of the secretary's office.

Ordered, That a warrant issue on the treasurer, in favor of Jonathan Burrall, on account of William Palfrey, Esquire, pay master general, for one million of dollars, to be transmitted to John Pierce, deputy paymaster general at the main army, for the supply of the military chest; for which sum the said deputy paymaster general is to be accountable:

And another on the treasurer, in favor of the said Jonathan Burrall, on account of the said William Palfrey, paymaster general, for three hundred and fifty thousand dollars, for the use of his department; for which the said paymaster general is to be accountable.

That a warrant issue on the treasurer, in favor of Ziba Westcott, on account of Richard Westcott, of Egg Harbour, in the State of New Jersey, for twenty eight thousand dollars, to enable him to pay the expences incurred in saving the part of the cargo (belonging to the United States), of the ship, *Henry*, lately stranded at Absecom Beech; for which sum he is to be accountable.

That a warrant issue on the treasurer, in favor of Eleazer McComb, one of the commissioners of the chamber of accounts, for five thousand dollars, on account of his salary.

That a warrant issue on the treasurer, in favor of Joseph Scudder, one of the clerks in the War Office, for two thousand dollars, on account of his salary.

That a warrant issue on the treasurer, in favor of Mr. Elbridge Gerry, one of the delegates for the State of Massachusetts Bay, for ten thousand dollars, on his application; for which the said State is to be accountable.¹

A letter, of 18 December, from Silas Deane, was read, enclosing the warrant in his favour, dated 26 August, 1779, for ten thousand five hundred dollars, which he returns agreeably to the intimation in his letter of November 16.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV folio 31.

Ordered, That the warrant be sent to the Board of Treasury and there cancelled.

A letter, of 30 December, from the Governor of Virginia, relative to the Portugese snow; and another, of 16 December, relative to the arms detained by order of the executive of that State, were read.¹

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 14, 1780

A memorial from John Halstead was read:

Ordered, That it be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon, Congress came to the following resolutions:

AT A BOARD OF WAR *Jany 12. 1780*

The Board taking into consideration the letter from Gen^l Washington on the subject of Gen^l Duportail and other Engineers referred to them by Congress beg leave to report,

Whereas Congress on the first day of January in the year 1779 resolved, "That Brigadier Duportail and Messrs la Radiere, Laumoy and Gouvion be retained in the service of the United States as Engineers for another campaign if agreeable to their inclination and permission can be obtained from His Most Christian Majesty or his Minister Plenipotentiary."

And the said Engineers in consequence of the above resolution having agreed to continue, under permission obtained from the Minister Plenipotentiary of France, in the service of the United States and having *except Col. La Radiere who died much regretted* served the last campaign, so honorably to themselves and usefully to these States as to obtain ample testimonials of their abilities and exertions from the Commander in Chief who is of opinion that Gen^l Du Portail, and Col^l Laumoy and Gouvion should be retained in the service during the war or so long as is consistent with their duty to their King and agreeable to their inclinations,

~~Resolved, That Congress have a very favourable opinion of the conduct and capacity of General Du Portail and Messrs. Laumoy and~~

¹ The letter of December 30 is in the *Papers of the Continental Congress*, No. 71, I, folio 297; that of December 16 on folio 307.

~~Gouvion and lament the untimely death of Col La Radiero who during his services in America had by his zeal and exertions highly recommended himself as an officer and a gentleman.~~

Whereas Brigadier General du Portail and Colonel Laumoy, and Lieutenant Colonel de Gouvion, have continued in the service of the United States pursuant to a resolution of Congress of the 1st day of January, 1779, and under a permission from the Minister Plenipotentiary of his most Christian Majesty, and have obtained from the Commander in Chief ample testimonials of honorable and useful services rendered during the last campaign:

Resolved, That Brigadier General du Portail and Messieurs Laumoy and Gouvion be retained in the service of the United States (if permission can be obtained for that purpose from his most Christian Majesty or his Minister Plenipotentiary) so long, during the present war, as shall be consistent with their inclinations and duty as officers to their King:

That the Board of War be directed to confer with the Minister of France on the subject, and inform General du Portail and Messieurs Laumoy and Gouvion of the result of such conference.¹

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Benjamin Stoddert, Esquire, secretary to the Board of War, for six thousand dollars on account of his salary.

That on the application of Charles Pettit, assistant quarter master general, a warrant issue in his favour, on the supreme executive council of the State of Pennsylvania, for two hundred thousand dollars, (being part of the monies raised by the said State, for the use of the United States) on account of Major General Greene, quarter master general, and for the use of his department; for which he is to be accountable.²

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 63.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 35.

The committee on a court of appeals brought in a report.

Ordered, That the same be taken into consideration to morrow.

The committee, to whom was re-committed that part of the report on the commissaries department, which related to the appointment of inspectors, brought in a report.

The Committee on the Post Office brought in a report, which was read; Whereupon,

Resolved, That the Commander in Chief be authorised to order so many expresses to be retained in the public service as he may judge necessary for the immediate purposes of the army.

Ordered, That the remainder of the report be re-committed.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman,

Resolved, That the Board of Treasury be directed to report proper salaries for such officers of the United States as have acted without stipulated allowances; and also what denominations of officers are entitled, by resolutions of Congress, to receive commissions, and at what rates, on the sums which they have respectively negotiated.

The committee to whom was referred the memorial from the honble the Minister Plenipotentiary of France brought in a report.

On motion of the Committee for Foreign Affairs, Congress came to the following resolution: ¹

Whereas by the eleventh article of the treaty of amity and commerce between his most Christian Majesty and the United States of America, it is provided, "That the subjects and inhabitants of the said United States, or any one of them, shall not be reputed aubains in France, and consequently shall be exempted from the Droit d'Aubaine, or other similar duty, under what name soever: they may, by

¹ The resolution is entered in the writing of George Bond.

testament, donation or otherwise, dispose of their goods, movable and immovable, in favor of such persons as to them shall seem good; and their heirs, subjects of the said United States, residing, whether in France or elsewhere, may succeed them, *ab intestat*, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities or private persons: and the said heirs, whether such by particular title, or *ab intestat*, shall be exempt from all duty, called *Droit de Detraction*, or other duty of the same kind; saving, nevertheless, the local rights or duties, as much and as long as similar ones are not established by the United States or any of them: The subjects of the most Christian King shall enjoy, on their part, in all the dominions of the said States, an entire and perfect reciprocity relative to the stipulations contained in the present article; But it is, at the same time, agreed that its contents shall not affect the laws made or that may be made hereafter in France, against emigrations, which shall remain in all their force and vigor; and the United States, on their part, or any of them, shall be at liberty to enact such laws relative to that matter as to them shall seem proper."

Resolved, That it be recommended to the legislatures of the several United States to make provision, where not already made, for conferring like privileges and immunities on the subjects of his most Christian Majesty, agreeable to the form and spirit of the above recited article.

The Committee to whom was referred the representation from the Legislative Council and general assembly of the State of New Jersey, have had the same and the subject matter therein mentioned under their consideration, and beg leave to report.

That the sudden depreciation of Continental currency between the months of March and May last, the great increase of price of all articles since the resolve of Congress of the first of September last

for limiting the emissions of paper money, and the circular letter soon after, whereby Congress not only renewed the obligation of redemption at the nominal value; but evinced the sufficiency of the funds for that purpose, leave your Committee no room to doubt but that the real causes of this great and alarming depreciation are wholly owing to the acts of some disaffected to our government, and others whose extortion and avarice scandalize all governments, and not to scarcity of Commodity or over quantity of a circulating medium, nor want of faith in Government, the causes heretofore assigned with so much plausibility. In proof of this your Committee beg leave to observe, that the quantity of money, that can possibly be in circulation, under the aforementioned resolve of Congress, is not more than 200 m. of Dollars, which is not more than seven times the quantity actually necessary for a common medium, and tho' this quantity will admit of a progressive depreciation, yet no calculation can carry it to fifteen prices. Yet it is notorious that the article of flour in this market is not only now at 50 prices but that it has raised 150 p. ct. since the limitation of future emissions and other articles have advanced nearly in the same proportion.

Your Committee further report that the sudden and continuing depreciation must necessarily discourage all foreigners from commercial connexions with the American States, that the present importations depending so much on the small number of vessels and seamen is in fact a monopoly and must continue so till vessels can be built or until foreigners shall assist in the importations, which they cannot do with any safety while the Country produce, by which alone they must make their remittances are raising many prices by the week. That the great demand of country commodities for the support of the army and other public uses, enables the farmer and others to exact what prices they please; that as such public expense must in the end be defrayed principally by the Landholder and yeomanry of America, the rise of Country Commodities does but encrease their debt and render the operations of taxation ineffectual in the appreciation of the currency.

Your Committee also report that the late Requisitions of 15 millions of D. by the month from the respective States being founded on estimates according to the monthly expenses prior to the first of September last, that as all the supplies for the army are thus encreased since that period, it becomes absolutely necessary to limit the prices

of such articles according to their rates when the estimates were made, or to make further emissions of bills of credit, your Committee being well satisfied, that the whole quantity now in circulation, would not be sufficient to supply the public wants at the present advanced prices of all articles—and as Congress are determined on no occasion to make further emissions your Committee are of opinion, that a general and universal limitation of price of all articles as well foreign as country produce is the only and effectual means of maintaining the army. That the same ought to be adopted as soon as may be in order to stop the great increase of public debt, and to aid the taxes in the reduction of prices—and that the limitation should be liberal at the beginning in order to allow scarce articles their advantage over those that are plenty.

Resolved, therefore, that it be recommended to the Legislatures of the respective States to pass laws for limiting the prices of labour and all commodity foreign and domestic (salt and military stores excepted) so as not to exceed twenty prices of what the same article sold for in the year allowing such additional price for imported articles, for insurance, freight and other charges as the nature of the trade of each State shall justify and allowing also as an encouragement for country manufactures the same price as a foreign commodity of like quality shall sell for, deducting the price of insurance.

Resolved that for the more certain limitation of the price of foreign articles and for the encouragement of importations it may be expedient for the several States to open offices for insuring the importations of their respective inhabitants.

N. B. Salt excepted, to be remedied by compelling importation as to tonnage of American vessels.¹

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 15, 1780

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR, *Jany 14, 1780*

Present Col Pickering, M^r Peters

M^r Ludeman a Lieutenant in the service of the United Provinces, who was attached to Col^o Armands corps during the last campaign,

¹ This report is in the *Papers of the Continental Congress*, No. 20, I, folio 311.

and performed the duty of Lieutenant from the first of June last, being highly recommended by the Baron Steuben, and Col^o Armand for a commission of Lieutenant in the said corps, the Board beg leave to report,

Resolved, That Mr. Ludiman be appointed to the rank of lieutenant in Colonel Armand's corps; his commission to bear date from the 1st day of June, 1779; the date of his brevet:¹

AT A BOARD OF WAR, *Jany 14th 1780*

Present Col Pickering, M^r Peters

Col^o Armand having represented to the Board, that M^r Briffault, who was appointed the 13th of January 1779 to the brevet rank of Lieutenant in the army of the United States; served in his corps during the last campaign and behaved on all occasions as an active, brave and good Officer, and that M^r Briffault is desirous of remaining in the service of the United States, and of being attached to his corps—the Board beg leave to report—

That Mr. Briffault, who, on the 13 of January, 1779, was appointed to the brevet rank of lieutenant in the army of the United States, receive a commission of lieutenant in Colonel Armand's corps, to bear the date of his brevet:²

AT A BOARD OF WAR, *Jany 14, 1780*

Present Co^l Pickering, M^r Peters

The Board having been certified by General Washington, that there are two Subaltern Officers wanting in Col^o Armands corps, and Col^o Armand having recommended in strong terms the Gentleman hereafter named, of whose zeal and activity he has had sufficient proof in the last campaign—beg leave to report,

That Christian Buyman be appointed to the rank of cornet in Col^o Armands corps.

Col Armand has not at this time named the other Gentleman for the vacancy mentioned by Gen^l Washington—but means to do it when he meets with a suitable character.³

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 71.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 61.

³ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 67.

According to order Congress proceeded to the consideration of the report of the committee for establishing a court of appeals; Whereupon;

Resolved, That a court be established for the trial of all appeals from the courts of admiralty in these United States, in cases of capture, to consist of three judges, appointed and commissioned by Congress, either two of whom, in the absence of the other, to hold the said court for the despatch of business:

That the said court appoint their own register:

That the trials therein be according to the usage of nations and not by jury:

That the said judges hold their first session as soon as may be at Philadelphia; and afterwards at such times and places as they shall judge most conducive to the public good, so that they do not at any time sit further eastward than Hartford, in Connecticut, or southward, than Williamsburg, in Virginia:

That the salary of the said judges be fixed on the first Monday of July next; and that in the interim the sum of twelve thousand dollars be advanced to each of them.

That the Judges of said Court be allowed for their services and ~~Postponed.~~ expences 25,000 dollars per annum until the further order of Congress.

That for defraying the expence of said court of Appeals one half per centum on the value of all prizes the trial whereof shall come before them shall be paid into the Continental treasury ~~which if more than sufficient for the purpose aforesaid the residue shall be applied to the support of seamen disabled in the service of these United States.~~

Resolved, That it be recommended to the States to make laws authorizing and directing the Courts of Admiralty therein established pursuant to the recommendation of Congress, to carry into full and speedy execution the final decrees of the Court of Appeals on the same being made known to the Courts, or Judges of Admiralty from whence the appeals are or shall be taken.

And whereas trials by Jury in cases of capture, which are decided by the law of nations, and not the municipal laws of the land, are found on trial to be inconvenient, and are not practised in any other nation.

Resolved, That it be recommended to the States to authorize the Courts of Admiralty therein, who are not so authorized already, to decide without a Jury in all cases, where the civil law, the law of nations, and the resolutions of Congress, are the rules of their proceeding and adjudication.¹

In debating the paragraph, "That the trials therein be according to the usage of nations and not by jury."

A motion was made by Mr. [Nathaniel] Peabody, seconded by Mr. [Nathaniel] Folsom, to strike out the words "according to the usage of nations and not;" and on the question, shall those words stand, the yeas and nays being required by Mr. [Nathaniel] Folsom,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	no		McLene,	ay	
<i>Massachusetts Bay,</i>			Shippen,	ay	
Mr. Gerry,	no	} no	<i>Delaware,</i>		
Holten,	no		Mr. McKean,	ay	} ay
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Plater,	ay	} ay
<i>Connecticut,</i>			Forbes,	ay	
Mr. Huntington,	ay	} ay	<i>Virginia,</i>		
Sherman,	ay		Mr. Griffin,	ay	} ay
Ellsworth,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	ay	} ay
Mr. Livingston,	ay	} ay	Jones,	ay	
Floyd,	ay		<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Houston,	ay				

¹ This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 29, folio 379. It is endorsed by Thomson: "Delivered and read January 14, 1780; to be considered on 15; part agreed to on 15."

So it was resolved in the affirmative.

On the question to agree to the paragraph,

That the judges hold their sessions, &c., the yeas and nays being required by Mr. [George] Partridge,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	}	Mr. Searle,	ay	}
Folsom,	no		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Gerry,	no	}	<i>Delaware,</i>		
Holten,	no		Mr. McKean,	ay	}
Partridge,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	no	}
Mr. Ellery,	ay	}	Forbes,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	ay	}	Mr. Griffin,	ay	}
Sherman,	ay		<i>North Carolina,</i>		
Ellsworth,	ay		Mr. Penn,	ay	}
<i>New York,</i>			Jones,	ay	
Mr. Livingston,	ay	}	<i>South Carolina,</i>		
Floyd,	ay		Mr. Mathews,	ay	}
L'Hommedieu,	ay				
<i>New Jersey,</i>					
Mr. Fell,	ay	}			
Houston,	ay				

So it was resolved in the affirmative.

In debating a subsequent paragraph of the report, viz, "That for defraying the expence of the said court of appeals, one per cent on the value of all prizes, the trial whereof shall come before them, shall be paid into the continental treasury, which if more than sufficient for the purpose aforesaid, the residue shall be applied to the support of seamen disabled in the service of the United States."

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Samuel] Holten, to strike out the words "which if more than sufficient," &c. to the end, in order to insert, in lieu thereof, "and if the sum so paid shall at the end of

the year be more than sufficient to discharge the said expence, the surplus shall be credited to the States in proportion to the value of the prizes in the cases appealed from them respectively." And on the question, shall the words moved to be struck out stand, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} no	Mr. Fell,	ay	} div.
Folsom,	no		Houston,	no	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Gerry,	no	} no	Mr. Searle,	ay	} no
Holten,	no		Muhlenberg,	no	
Partridge,	no		McLene,	no	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	no	} no	Mr. McKean,	ay	} ay
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Huntington,	no	} no	Mr. Plater,	ay	} ay
Sherman,	no		Forbes,	ay	
Ellsworth,	ay			<i>Virginia,</i>	
<i>New York,</i>			Mr. Griffin,	no	} no
Mr. Livingston,	ay	} ay	<i>North Carolina,</i>		
Floyd,	no		Mr. Penn,	ay	} ay
L'Hommedieu,	ay		<i>South Carolina,</i>		
			Mr. Mathews,	no	} no

So it passed in the negative, and the words were struck out.

After farther debate,

Resolved, That the remainder of the report be postponed.

Resolved, That Saturday next be assigned for electing the judges of the court of appeals, and that in the meanwhile, nominations be made.

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 17, 1780

A letter, of 15, from the supreme executive council of Pennsylvania, was read.

A letter, of this day, from General Mifflin, was read, enclosing sundry accounts:¹

Ordered, That the said letter and papers enclosed be referred to the Board of Treasury.

A memorial from Gideon Olmstead and Aquilla Ramsdill was read; Whereupon,²

Ordered, That the report of the committee on the memorial of Gideon Olmstead, and who were to confer with a committee of the assembly of Pennsylvania, be taken into consideration on Monday, 31 January.

The Board of Treasury, to whom was referred an application of Asa Worthington, employed as inspector of cattle in the department of the commissary general, from the 18 day of November, 1778, to 15 of January, 1780, brought in a report; Whereupon,

Resolved, That in addition to his pay, of 4 dollars per day, the said Asa Worthington be allowed the sum of three thousand nine hundred and forty dollars, in compensation for his services and expences to this date; and that a warrant issue on the treasurer, in his favour, for that sum.

Ordered, That a warrant issue on the treasurer, in favour of Mr. [George] Partridge, one of the delegates from the State of Massachusetts Bay, on his application, for five thousand dollars; for which the said State is to be accountable.³

¹ The Pennsylvania letter is in the *Papers of the Continental Congress*, No. 69, II, folio 169; Mifflin's letter is in No. 161, folio 67.

² This memorial, dated December 22, 1780, is in the *Papers of the Continental Congress*, No. 41, VII, folio 267.

³ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 37.

The Board of War, to whom was referred the letter of 17 December last, from General Washington, relative to Monsieur Hyacinthe la Motte, brought in a report; Whereupon,

AT A BOARD OF WAR Dec^r 31st 1779

Present Col Pickering, M^r Peters, Col Grayson

The Board having taken into consideration the letter of Gen^l Washington, enclosing a memorial of Mon^{sr} Hyacinthe La Motte, Beg leave to report to Congress,

That Congress have a due sense of the zeal discovered by Mon^r La Motte for the service of the United States, but particular considerations prevent his being employed in the capacity he mentions in his memorial to Congress.

Resolved, That the expediency of continuing Monsieur La Motte in his present employment be referred to the honorable council of Massachusetts Bay who are requested to adjust and settle the account of said Monsieur La Motte at Continental expense and if they deem his continuance unnecessary to discharge him from any farther service and that the council be informed that the Board of War have advanced Monsieur la Motte three thousand dollars on account of his pay.

The Board are not sufficiently convinced of the character of the Memorialist nor of the necessity of the mission to recommend his being sent into Canada at a heavy expense. The business of the Department under the agency of Col^o Allen being by resolution of Congress put under the direction of the Council of Massachusetts, it was deemed most proper to refer the determination in the case of Mon^r La Motte to them. From what appears to the Board we should determine on a dismissal of the Memorialist.¹

On motion of Mr. [Roger] Sherman, seconded by Mr. [James] McLene,

Resolved, That the commissary general of purchases be allowed two clerks, to be by him appointed.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 75.

That each of the said clerks be allowed the same salary as a clerk of the Board of Treasury.

Congress took into consideration the report of the committee on the memorial of the honble the Minister Plenipotentiary of France; and thereupon came to the following resolutions:

Whereas the Minister Plenipotentiary of France hath represented to us that a quantity of wheat and flour hath been procured and collected in the State of Maryland, at a great expence, for the fleet of his most Christian Majesty, and for his garrisons in the French islands; that they are in pressing want of those supplies; that by an act of the legislature of the said State, commissioners therein named are authorized to seize wheat and flour in stores; and that the seizure of the wheat and flour collected as aforesaid, and in the hands of William Smith, Esq. of Baltimore, in the said State, would embarrass the measures of the agent of the marine of the King of France, endanger the success of military plans, and expose to want the garrisons aforesaid; and hath requested our interposition in this regard: ~~And whereas Congress are at all times disposed to attend to the Representations, and as far as is in their power to comply with the requests of the Minister of their Illustrious Ally.~~ Therefore,

Resolved, That it be, and hereby it is recommended to the governor and council of the State of Maryland, to direct the commissioners appointed to carry the act for the immediate supply of flour and other provisions for the army into full force and execution, to refrain from seizing the provisions which have been purchased by permission of the State of Maryland for the agent of the marine of his most Christian Majesty; to replace them in case they have been already seized; and to permit the exportation thereof.

That a copy of the memorial of the Minister Plenipotentiary of France, and a copy of the papers enclosed, be immediately transmitted, with the foregoing resolution, to the governor and council of the State of Maryland.

Resolved, That Congress entertain a high sense of the exertions of the legislature and governor and council of the State of Maryland to procure an immediate supply of flour and other provisions for the army, and that the governor and council be requested to cause the same to be forwarded as fast as procured to the army, the pressing wants of which demand immediate relief.¹

According to order, Congress was resolved into a Committee of the Whole, and after some time, the President resumed the chair, and Mr. [George] Plater reported, that the committee had had under consideration the report of the committee for estimating the quotas of supplies, and are of opinion that the same be referred to a committee consisting of a member from each State.

Resolved, That Congress agree to the said report.

The members chosen, Mr. [John] Mathews, Mr. [Cyrus] Griffin, Mr. [Thomas] McKean, Mr. [Elbridge] Gerry, Mr. [William] Ellery, Mr. [Thomas] Burke, Mr. [James] Searle, Mr. [James] Forbes, Mr. [Nathaniel] Folsom, Mr. [Roger] Sherman, Mr. [Ezra] L'Hommedieu, and Mr. [John] Fell.

Ordered, That the report of the committee on the departments of the quarter master and commissary general be referred to this committee.

Adjourned to 10 o'Clock to Morrow.

¹ This preamble and the resolutions were also entered in the manuscript Secret (Domestic) Journal. The report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 25, I, folio 303.

TUESDAY, JANUARY 18, 1780

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [Roger] Sherman,

That in the Journals of Congress of a later date than the 31 December, 1779, the yeas and nays and names of the members calling them be not printed; but that the same together with the respective propositions on which they are taken be printed in pamphlets at the end of every three months, and that ten copies thereof, as soon as completed, be sent to each State.

A division was called for, and on the question to agree to the first part, the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} div.
<i>Massachusetts Bay,</i>			McLene,	no	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Lovell,	ay		Mr. Plater,	ay	} div.
Holten,	ay		Forbes,	no	
Partridge,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Griffin,	ay	} ay
Mr. Ellery,	ay	} ay	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Penn,	ay	} ay
Mr. Huntington,	ay	} ay	Burke,	ay	
Sherman,	ay		Jones,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Floyd,	ay	} ay	Mr. Mathews,	no	} no
L'Hommedieu,	ay				
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Houston,	ay				

So it was

Resolved, That in the Journals of Congress, of a later date than the 31 December, 1779, the yeas and nays and names of the members calling them, be not printed.

On the question to agree to the second part, the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay	Mr. Searle,	no	} div.
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Lovell,	ay		Mr. Plater,	ay	} div.
Holten,	no		Forbes,	no	
Partridge,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Griffin,	ay	} ay
Mr. Ellery,	no	} no	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Penn,	ay	} no
Mr. Huntington,	no	} no	Burke,	no	
Sherman,	no		Jones,	no	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Floyd,	no	} no	Mr. Mathews,	no	} no
L'Hommedieu,	no				
<i>New Jersey,</i>					
Mr. Fell,	no	} no			
Houston,	no				

So it passed in the negative.

~~On motion of Mr. Lovell, seconded by~~

Resolved, That the Journals of Congress, for the current year be published monthly, and agreeably to the foregoing resolution:

On the question to agree to this, the yeas and nays being required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Peabody,	no	} no	Mr. Ellery,	ay	} ay
Folsom,	no		<i>Connecticut,</i>		
<i>Massachusetts Bay,</i>			Mr. Huntington,	ay	} ay
Mr. Gerry,	ay	} ay	Sherman,	ay	
Lovell,	ay		<i>New York,</i>		
Holten,	ay		Mr. Floyd,	ay	} ay
Partridge,	ay				

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Fell,	ay	} ay	Mr. Griffin,	ay	} ay
Houston,	ay		<i>North Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Penn,	ay	} ay
Mr. Searle,	ay	} div.	Burke,	ay	
McLene,	no		Jones,	ay	
<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Plater,	ay	} div.	Mr. Mathews,	no	} no
Forbes,	no				

So it was resolved in the affirmative.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [John] Fell, one of the delegates for the State of New Jersey, on his application, for two thousand dollars; for which the said State is to be accountable¹

That on the application of the Board of Admiralty, a warrant issue on the treasurer, in their favour, for thirty thousand dollars, for the use of the navy board of the middle department; for which the said Board of Admiralty is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [Thomas] Burke, one of the delegates for the State of North Carolina, on his application, for ten thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Chandler Fowke, one of the clerks in the war office, for two thousand dollars, on account of his salary.

The Board of Treasury, to whom was referred the petition of John Streeper, praying compensation for the loss of a house, accidentally burnt by a picket guard of the American Army, in December, 1777, report:

That as Congress have frequently decided the compensation for damages ought not to be partially made, but must

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 41.

be postponed to the end of the war, to be then taken into consideration, the Board cannot report in favour of the said petitioner, but think his petition ought to be deferred for the present.¹

Resolved, That Congress agree to the said report.

Congress resumed the consideration of the report of the committee on the letter, of 18 November, from General Washington, and some progress being made therein,

Ordered, That the farther consideration thereof be postponed to Thursday next.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 19, 1780

A letter, of 3, from the Governor of Virginia, was read.²

A letter, of 10 September last, from A. Lee, was read:³

Ordered, That it be referred to the Committee of Foreign Affairs, and that they take order thereon.

A letter, of 29 August, 1779, from A. Gillon, was read.

A letter from C. Hele, a prisoner on parole, to the Marine Committee, ~~giving information of his resolution to attempt his escape in breach of his parole, which Congress is informed he has effected~~, was laid before Congress and read; also a petition from W. Ryan:

Ordered, That they be referred to the Board of Admiralty to take order.

A petition of David Brooks and Joshua Griffith was read:

Ordered, That it be referred to the Committee on Appeals.

A letter, of 18, from the Board of War was read, respecting an application from Colonel Armand for promotion.⁴

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 39.

² This letter is in the *Papers of the Continental Congress*, No. 71, I, folio 311.

³ This letter is printed in the *Diplomatic correspondence of the American Revolution* (Wharton) III, 313.

⁴ This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 21.

A motion being made by Mr. [Robert R.] Livingston, seconded by Mr. [Elbridge] Gerry, for appointing a committee to repair to camp:

That a Committee be appointed consisting of one member of Congress and one Commissioner to repair to the army, and in conjunction with the Commander in Chief to arrange and regulate the Departments of the Quarter Master, Hospital, Commissary General of Military stores and Issuing Commissary. That they or any two of them shall be empowered to break up unnecessary posts to establish others where necessary, to discharge useless officers and unnecessary men, to stop rations and forage where improperly drawn, to propose the cheapest and most expeditious means of transportation, and report to Congress a general system of economy, for the army and an estimate of supplies for the ensuing campaign.

~~Resolved that the expenses of the said Committee shall be defrayed by Congress.~~¹

Ordered, That it be referred to a committee of three.

The members chosen, Mr. [Elbridge] Gerry, Mr. [Robert R.] Livingston, and Mr. [William Churchill] Houston.

Ordered, That the report of a committee respecting the appointment of inspectors, be referred to the said committee.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JANUARY 20, 1780

A letter, of 13, from General Greene, quarter master general was read:

Ordered, That it be referred to the committee, to whom his letter of 12th December, was referred.

A letter, of 13, from Francis Bailey, was read:

Ordered, That it be referred to the committee for printing the journal, to take order thereon.

¹ This motion, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 36, I, folio 49.

A letter, of 18, from General Washington, was read, enclosing a report from General Lord Stirling, relative to an expedition against Staten Island, and also other intelligence:¹

Ordered, That the letter from General Washington, and the report from General Lord Stirling, be referred to the Committee of Intelligence.

Ordered, That an extract of the intelligence relative to supplies sent to the enemy from New Jersey and Connecticut be sent to the governors of those States.

A report from the Board of Treasury, was read; Whereupon,

Ordered, That a warrant issue on ~~Thomas Smith Esq. Commissioner of the Continental Loan Office of the State of Pennsylvania~~ the treasurer, for one hundred thousand dollars in loan office certificates, in favour of Charles Pettit, assistant quarter master general, on account of Major General Greene, quarter master general, for the use of his department, to be applied in transporting supplies to the army, and for which he is to be accountable.

That a warrant issue on Thomas Harwood, Esquire, commissioner of the continental loan office, for the State of Maryland, for three hundred thousand dollars, in favour of Ephraim Blaine, commissary general of purchases, for the use of his department; and for which he is to be accountable.

Also the following warrants, to wit;

One on Henry Gardiner, Esquire, treasurer of the State of Massachusetts Bay, for five hundred thousand dollars.

One on Joseph Clarke, Esquire, treasurer of the State of Rhode Island and Providence Plantations, for one hundred and seventy five thousand dollars.

¹ Greene's letter is in the *Papers of the Continental Congress*, No. 155, I, folio 196; that of Bailey in No. 78, III, folio 429; that of Washington in No. 152, VIII, folio 343.

One on John Lawrence, Esquire, treasurer of the State of Connecticut, for one million five hundred and fifty thousand dollars; and

One on Samuel Patterson, Esquire, treasurer of the State of Delaware, for one hundred and seventy five thousand dollars, amounting in the whole to two millions and four hundred thousand dollars, and being part of the monies raised in the said states, respectively, for the use of the United States, in favour of Ephraim Blaine, Esquire, commissary general of purchases, for the use of his department; for which he is to be accountable.

That a Warrant issue on John Lawrence Esq^r, Commissioner of the Continental Loan Office for the State of Connecticut for three millions of dollars in favor of Jeremiah Wadsworth Esq^r late Commissary

Re-committed General of purchases to be by him transmitted to Henry Champion, Deputy Commissary General of purchases for the purpose of discharging sundry contracts for beef, and completing a further supply thereof, and for which the said Commissary General is to account.¹

Provided always that if the said states, or any or them, shall have made provision for purchasing supplies for the army by persons of their appointment, and under their direction, the payment of the warrants on the treasurers of such states be suspended, and the warrants returned by the commissary general to the Treasury Board.²

Ordered, That the remainder of the report be re-committed.

The committee, to whom was referred a motion and report for regulating the departments of the staff, brought in a report; Whereupon,

Resolved, That three commissioners, one of whom to be a member of Congress, be appointed to enquire into the

¹This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 43.

²In the margin, against this paragraph, Thomson has written, "this repealed, January 21."

expences of the staff departments, and the means of retrenching the same; that they, or any two of them, be authorised to enquire by inspection, or otherwise, concerning the several posts and places where officers of the staff are stationed, and to require of them any information relative to their respective departments; to discharge supernumerary and delinquent officers, and men of the said departments; to break up unnecessary posts, and to establish posts where requisite; to stop all issues of rations and other supplies not indispensably necessary for the service. That they repair to head quarters, and that they, or any two of them be authorized, in conjunction with General Washington, to reduce the number of horses and wagons employed in the army, and to adopt the cheapest and most certain mode of transportation; and any other measures for promoting oeconomy in the said departments:

That, for the present, they be empowered to stop all issues of rations of every kind, for the term of three months, due to persons not in camp, who can be otherwise supplied than from the public stores; and to report the sum to be paid for the rations so stopped:

That they report such arrangements, in any or all of the said departments, as they may judge expedient; having regard to the resolutions of Congress of the 14th and 17th of December last ~~it being the expectation of Congress that purchases of provisions and forage in the departments of the quartermaster and commissary general will be made in the several States by persons appointed by and acting under the said states respectively.~~

That the department of the barrack master general be abolished, and that he be called to an immediate account for the money advanced him by the United States.¹

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 21, folio 221.

Resolved, That to-morrow be assigned for electing the commissioners.

The following gentlemen were put in nomination:

General T. Mifflin, by Mr. [Elbridge] Gerry,
Colonel Pickering, by Mr. [Samuel] Holten,
Colonel J. Bull, by Mr. [James] McLene,
Mr. E[lias] Boudinot, by Mr. [John] Fell.

The following gentlemen were put in nomination for judges in the court of appeals:

~~Mr. J. Dickinson, by Mr. Mathews,~~
Mr. W[illiam] Paca, by Mr. [John] Penn,
~~Mr. Gerry, by Mr. Holten,~~
Mr. T[homas] McKean, by Mr. [James] McLene,
Mr. T[itus] Hosmer, by Mr. [William] Ellery,
~~Mr. J. Lovell, by Mr. Gerry,~~
Mr. E[lias] Boudinot, by Mr. [James] Searle,
Mr. R[obert] T[reat] Paine, by Mr. [Nathaniel] Folsom,
Mr. J[ames] Duane, by Mr. [Robert R.] Livingston,
Mr. G[eorge] Wythe, by Mr. [William] Ellery.
Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 21, 1780

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Robert Troup, secretary to the Board of Treasury, for four thousand dollars, to purchase wood and other necessaries, for the use of the several offices in the Treasury; for which he is to be accountable.¹

According to order, Congress proceeded to the election of commissioners, and the ballots being taken,

Mr. Schuyler and Colonel Pickering were elected.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 47.

Congress took into consideration the letter from the Board of War relative to Colonel Armand; Whereupon,

Ordered, That the letter from the Board of War, on the application of Colonel Armand, be transmitted by the President to General Washington, and that his opinion thereon be requested.

A report from the Board of War on the letter of Baron Miklasrewiz was read; Whereupon,

AT A BOARD OF WAR, *Jany 20, 1780*

Present Col^o Pickering, Mr Peters, Co^l Grayson

The Board having taken into consideration the letter of Baron de Miklasrewiez, are of opinion, that if, the facts alluded to were fully authenticated, yet as no political connexion exists between this country and Poland, and in all probability never will, that there is no reason for granting his request under the present circumstances of our army and the public finances.

They beg leave to report the following

Resolved, That the petition of Baron Micklasrewiz cannot be complied with.¹

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JANUARY 22, 1780

The Board of Admiralty having laid before Congress a return of the officers of the navy:

Ordered, That the same be referred back to the Board, and that they report on the expediency of stopping pay and rations or subsistence to all officers and mechanics of the admiralty not in actual service; preserving to the former their rank in the navy.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. J[ames] Searle, one of the delegates for the State of

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 79.

Pensylvania, for five thousand dollars, on his application; for which the said State is to be accountable.

That a warrant issue on John Lawrence, commissioner of the continental loan office, for the State of Connecticut, for ~~three one million of dollars, arising from the sale of bills of exchange~~ in favour of Jeremiah Wadsworth, late commissary general of purchases, to be by him transmitted to Henry Champion, deputy commissary general of purchases in the eastern department, for which he is to be accountable.¹

Congress proceeded to the election of another commissioner. and the ballots being taken, General Thomas Mifflin was elected.

The committee to whom was referred the return of rations issued in Philadelphia, delivered in a report.

Congress proceeded to the election of judges of the Court of Appeals; and the ballots being taken, the President informed Congress, that Mr. [George] Wythe, Mr. [William] Paca and Mr. [Titus] Hosmer, were duly elected; Mr. Hosmer and Mr. Paca having an equal number of votes.

A letter of 19th, from General Washington, and two of 19, from Major General Greene, were read.²

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 24, 1780

A letter from the honorable the Minister Plenipotentiary of France, was read, informing, that he has appointed Monsieur D'Anmour consul of France for the State of North Carolina, and inclosing his commission for that purpose.³

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 49.

² Washington's letter, dated January 18, is in the *Papers of the Continental Congress*, No. 152, VIII, folio 351; Greene's letters are in No. 155, I, folios 200 and 204.

³ This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) III, 468.

Resolved, That Congress approve the same: that the commission be registered, and notice given to the governor of North Carolina.

A letter, of 18, from General Washington, was read:¹

Ordered, That it be referred to the Board of War; that the Board confer thereon with Major General Baron Steuben, and report to Congress.

A letter, of 18, from Major General Greene, quarter master general, was read, enclosing sundry papers relative to Mr. Moore:²

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Ezra] L'Hommedieu, Mr. [Nathaniel] Folsom, and Mr. [James] McLene.

A memorial of Jacob Wright was read:

Ordered, That it be transmitted to the supreme executive council of Pennsylvania, for them to take such order thereon as they shall judge proper.

Two letters from Colonel J. Allan, one dated 10, the other 15 November last, were read:³

Ordered, That they be referred to the Board of War.

Congress being informed of great abuses in the quarter master's department, at Martinsburg, in Virginia;

Resolved, That the Board of War be empowered to appoint suitable persons to enquire into the said abuses, and to make the proper retrenchments and reformatations.

Congress proceeded to the consideration of the reports of the committee on the letter of 18 November last, from General Washington, when a motion was made by Mr. [Robert R.] Livingston, seconded by Mr. [John] Penn, that those parts on

¹ This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 339.

² The papers are in the *Papers of the Continental Congress*, No. 19, IV, folios 105-122.

³ Allan's letter of November 10 is in the *Papers of the Continental Congress*, No. 78, I, folio 341; that of November 15 on folio 337.

which Congress have acted, together with two resolutions, one for abolishing all state, county and town bounties to recruits for the army, and the other recommending the repeal of all laws made in pursuance of the resolution of 14 April, 1777, be referred to the Board of War.

A division was called for, and on the question for referring those resolutions which Congress had acted on, viz;¹

Resolved, That for the ensuing campaign, the several states be required to furnish by draughts, or otherwise, on or before the first day of April next, the deficiency of their respective quotas of 80 Battalions of infantry as apportioned by a resolution of Congress, of the 9th of March, 1779.

That the non commissioned officers and soldiers that are, or may be inlisted in the several military corps of the army, not included in the said 80 Battalions, be considered as part of the said quotas, and credited to the states, to which such officers and soldiers, respectively, do or may belong.

That it be recommended to each State to make like provision for officers and for the soldiers enlisted for the war, in the said corps, who shall continue in service until the establishment of peace, and belong to the said State, as may be made for other officers and soldiers of its battalions, pursuant to a resolution of Congress, of the 17th of August last.

That in addition to the recruits to be furnished, by the first day of April next, each State be required to furnish by draughts, or otherwise, men to supply the place of such of their troops whose time of service will expire in April, June and September next, and that the men so supplied, join the army before the times of service of the said troops shall respectively expire, and continue in service until the first of January, 1781.

That during the continuance of the war, each State be annually informed by Congress, in the month of October, of

¹ The entries for the rest of this day are in the writing of George Bond.

the deficiency of its quota of troops, and called upon to furnish by draught, or otherwise, men for its complement, or for such part thereof as Congress may from time to time judge necessary.

That the men to be so furnished join the army by the first day of January, in each year, and serve until the first of January in the next succeeding year, unless sooner discharged.

That the Commander in Chief, or commanding officer of the respective departments, be authorised and directed to appoint an officer, or officers in each battalion, to inlist such of the recruits, as may be willing to engage for the war, allowing two hundred dollars to every soldier, who may so inlist, and ten dollars to the officer inlisting them.

That the Commander in Chief be directed on, or before, the first of October, annually, to transmit to Congress, a return of the army, specifying the number of troops from each State, and the recruits necessary to compleat its quota.

That it be earnestly recommended to the several States to abolish all State, County and Town bounties to recruits for the Continental army.

And whereas on the 14th of April 1777 Congress passed the following resolution, "That it be recommended to the Legislatures of each of the United States to enact laws, exempting from actual service any two of the militia who shall within the time limited by such laws furnish one able bodied recruit to serve in any battalion of the continental army for the term of three years or during the present war; such exemption to continue during the term for which the recruit shall inlist; every such recruit to be entitled to the Continental bounty and all other allowances."

Resolved That it be recommended to the several States to repeal their laws made in pursuance of the resolution aforesaid.

Ordered, That the letter of 18th Nov^r last from Gen^l Washington and the abstract of the army enclosed therein be referred to the Board of War, who are directed forthwith to report to Congress a list of deficiencies of troops to be furnished by the first of April next and at

other periods during the next campaign, by the several States agreeably to the foregoing resolutions.¹

The yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Folsom,	ay	} ay	Mr. Searle,	no	} no
<i>Massachusetts Bay,</i>			Muhlenberg,	no	
Mr. Gerry,	no	} no	McLene,	no	
Lovell,	no		<i>Delaware,</i>		
Holten,	no		Mr. McKean,	no	} no
Partridge,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	ay	} ay
Mr. Ellery,	no	} no	Forbes,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	ay	} ay	Mr. Griffin,	ay	} ay
Sherman,	no		<i>North Carolina,</i>		
Ellsworth,	ay		Mr. Penn,	ay	} ay
<i>New York,</i>			Burke,	ay	
Mr. Livingston,	ay	} ay	Jones,	ay	
Floyd,	ay		<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	no	} no
<i>New Jersey,</i>					
Mr. Fell,	ay	} div.			
Houston,	no				

So it was resolved in the affirmative.

Ordered, That the other two resolutions be also referred to the Board of War, together with the General's letters of the 18th of November, and 10 and 11 of December last.

Ordered, That the Board report thereon, as soon as possible.

Ordered, That to morrow be assigned for considering the remainder of the report of the committee, on the General's letter of the 18th November.

A report of the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on John Lawrence, Esquire, commissioner of the continental loan office, for the State of

¹ These resolutions, in the writing of Charles Thomson, are in the *Papers of the Continental Congress*, No. 147, IV, folio 111.

Connecticut, in favor of Ephraim Blaine, Esquire, commissary general of purchases, or his order, for one million of dollars, for the use of his department, and for which the said commissary general is to be accountable.

That a warrant issue on Gerardus Bancker, Esquire, treasurer of the State of New York, in favor of Ephraim Blaine, Esquire, commissary general of purchases, for one hundred and eighty three thousand dollars, being part of the monies raised in the said State, for the use of the United States; for which sum the said commissary general is to be accountable.

That a warrant issue on the treasurer, in favor of Mr. George Plater, one of the delegates for the State of Maryland, on his application, for six thousand dollars; for which the said State is to be accountable.¹

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JANUARY 25, 1780

Mr. A[braham] Clark, a delegate from the state of New Jersey, attended and produced the credentials of his appointment, which were read, as follows:

STATE OF NEW JERSEY, Dec^r. 25th, 1779.

The Council and Assembly met at Mountholly and in Joint Meeting proceeded to the Election of a Delegate to represent this State in Congress, in the room of Thomas Henderson Esq^r, who hath declined taking his Seat, pursuant to his Appointment, on the Seventeenth day of November last, And the Votes being taken Abraham Clark Esquire was duly elected.

Resolved—therefore

That the said Abraham Clark Esquire be impowered in Conjunction with the honorable John Fell and William Churchill Houston Esquires, or either of them, to represent and Vote in Behalf of this State in the Congress of the United States of North America, untill the first day of December next, unless a new Appointment shall sooner take place,

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 51.

It is nevertheless expected, that all the Delegates do constantly attend, unless prevented by sickness or other accident.

A true copy from the Minutes of the Council and Assembly in Joint Meeting.

BOWES REED, *Sec^r*.¹

A letter, of 19, from General Washington, was read, with sundry papers enclosed; and also a letter, of 24, from Colonels Mathews, Ely and Ramsey, were read:²

Ordered, That they be referred to a committee of three, who are directed to confer with the said colonels:

The members chosen, Mr. [Roger] Sherman, Mr. [James] Forbes, and Mr. [John] Mathews.

A letter, of 21, from the Board of War, was read:³

Ordered, That it be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on his excellency the president, and the supreme executive council of the State of Pennsylvania, in favour of Ephraim Blaine, commissary general of purchases, for one million of dollars, in part of the monies raised in the said State, for the use of the United States; for which the said commissary general is to be accountable.⁴

A letter, of 21, from the Board of War was read, enclosing sundry letters from the issuing commissaries:⁵

Ordered, That the same be referred back to the Board of War to report thereon.

The Board of Admiralty, to whom was referred the return of the officers in the navy of the United States, brought in a report; Whereupon,

¹ The original is in the *Papers of the Continental Congress*, New Jersey, *Credentials of Delegates*.

² The letter of Mathews, Ely and Ramsey is in the *Papers of the Continental Congress*, No. 78, XVI, folio 5; that of Washington in No. 152, VIII, folio 355.

³ This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 25.

⁴ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 55.

⁵ This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 29.

That by a Resolution of the 20th March 1778 officers of the Continental Navy not in actual service are allowed pay but not rations nor the subsistence money allowed by the Resolve of the 25th July 1777 and

That mechanicks employed in or about the Navy are not intitled to rations or subsistence by any resolution of Congress.

Resolved, That the pay of all officers of the navy, not in actual service, cease from this day: that such officers retain their rank, depositing their commissions in the respective navy boards, until they shall be called into actual service.¹

The committee on the quarter masters department, and the committee, to whom was referred the letter from General Greene, respecting Mr. Moore's affairs, delivered in their reports.

The Committee to whom was referred the letter from Gen^l Green and the papers accompanying the same, respecting the quantity of wood cut on the farm of M^r Stephen Moore for the purpose of supplying the Army with wood and for erecting fortifications, and the value thereof, beg leave to report, that M^r Stephen Moore has not produced a proper certificate from the Quarter Master Gen^l of the quantity and value of such wood, and that the estimations thereof, have not been made according to the usual mode practised in such cases, and are not satisfactory, at the same time, as very considerable quantities of wood have been cut on M^r Moore's farm at West Point for the supply of the Army, and erecting fortifications and great damages done to his buildings and fences by the Army on the said farm for which M^r Moore has received no satisfaction and has been at great expence, in endeavoring to procure satisfactory certificates of the damages sustained by him in the premises which could not be obtained by reason of the deep snow on the ground, Your Committee would propose the following resolution, to wit.

Resolved that a Warrant issue on the Treasurer in favor of M^r Stephen Moore for thirty thousand dollars in compensation in part for wood cut on his farm at West Point for the purpose of supplying the Army

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 175. It is dated "Admiralty Office, 24 Jan^y 1780."

with wood and for erecting fortifications and for the use his buildings and damages done to his fences by the Army on his said farm.¹

A memorial from the honorable the Minister Plenipotentiary of France, was read, intimating that he has farther communications to make.

On the 25th of January, 1780, the minister plenipotentiary of France transmitted to Congress the following memorial:

PHILADELPHIA, *January 25, 1780.*

The Minister Plenipotentiary of France has received express orders from the king his master to inform Congress, that the present situation of the affairs of the alliance in Europe announces the necessity of another campaign, which is indispensable to bring England to an acknowledgment of the independence of the thirteen United States, which is the essential purpose of the present war. That power is making preparations the most proper for continuing the war with vigour, and appears willing to employ, in the course of this year, all the means possible to procure reparation, by some important enterprise, for the losses it has already sustained. Congress cannot doubt but that, in this situation of affairs, his most Christian Majesty and the king

¹This report, in the writing of Ezra L'Hommedieu, is in the *Papers of the Continental Congress*, No. 19, IV, folio 89. It is endorsed by Thomson: "Delivered January 25, 1780." A second preamble and resolution appears on the back of the report, also in L'Hommedieu's writing, as follows:

Whereas Congress have agreed with M^r Stephen Moore to purchase his farm at West Point, containing 1080 Acres for the use of the United States: for a sum of Money equivalent to what shall be deemed to have been the value of the said farm in the year 1774, and also the value of the rent thereof for two years: by such persons as shall hereafter be appointed by Congress for that purpose. Ordered that 40,000 dollars be advanced to the said Stephen Moore in part of the purchase Money to be paid him for the said farm, and that the two following warrants issue in his favor for the said sum, to Wit, One on the Treasurer for ten thousand dollars, and another on His Excellency Richard Caswell Esq^r Governor of the State of North Carolina for thirty thousand dollars to be paid out of the Monies raised by the said State for the use of the United States.

of Spain have concerted plans to maintain that superiority by sea, which has begun to appear in their favour; and the underwritten has reason to believe, that the United States have nothing to desire of their ally, touching the use he is making of the resources of his realm, and the efficacy of the measures adopted by the cabinets of Versailles and Madrid. But while this powerful diversion retains in Europe and the West Indies the greater part of the land and sea forces of the common enemy, it is absolutely necessary that the United States, on their part, should make efforts proportionable to the greatness of the object for which they are contending. The only means of putting an end to the calamities of the war is to push it with new vigour; to take effectual measures immediately for completing the army, and putting it in condition to begin an early campaign. It is also necessary to concert, as far as the distance of places will permit, a plan of common operations; and this is one of the principal points on which the underwritten minister is ordered to consult with Congress. He is also ordered to assure this assembly that the king, being informed of the wants of the American army, with respect to arms and ammunition, has commanded his ministers to make suitable arrangements for supplying them. It is necessary that the underwritten minister should confer with Congress on the subjects just mentioned. Besides, he has some particular circumstances to communicate relative to the present or probable state of the negotiations; and he desires that this assembly will be pleased to inform him in what manner they will receive the communication, the subject of which, as well as the plan of operations for the ensuing campaign, requires the most profound secrecy. In the mean while, he now only as-

sures Congress, that in the whole course of the negotiations carried on last year, the king would not listen to either peace or truce, without an assurance of some sort, of the independence of the United States.

LE CHEV. DE LA LUZERNE.¹

A motion was made for advancing a sum of money to the commissioners appointed to regulate the staff departments:

Ordered, That it be referred to the Board of Treasury, to take order.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JANUARY 26, 1780

Resolved, That a committee of seven be appointed to receive the communications of the honorable the Minister of France, and report the same to Congress:

The members chosen, Mr. [John] Mathews, Mr. [Robert R.] Livingston, Mr. [Oliver] Ellsworth, Mr. [Elbridge] Gerry, Mr. [Thomas] Burke, Mr. [Cyrus] Griffin, and Mr. [Thomas] McKean.²

The committee, to whom was referred the letter, of 19, from General Washington, brought in a report, which was read, and the same being taken into consideration;

The Committee to whom was referred Gen^l Washington's letter of the 19th instant, respecting the exchange of Prisoners, with the papers accompanying the same, having considered the matters therein contained, and conferred with Col. Mathews, Col. Ely and Col. Ramsey on the subject Report as their opinion

That General Washington be informed that Congress had no intention of connecting the settlement or payment of the Accounts against the Convention Troops with the proposed Exchange of prisoners, and

¹ This communication was entered only in the manuscript Secret Journal, Foreign Affairs. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 469.

² These two paragraphs were also entered in the manuscript Secret Journal, Foreign Affairs.

~~that he be~~ authorized to proceed to negotiate an exchange of Prisoners with all convenient dispatch, on such terms, in all respects, as he may judge most expedient.

That the Resolutions of Congress of the 11th day of Jan^y respecting the penalty for non payment of the money due from the Convention Troops be repealed; and that the Board of Treasury suspend the requisition for payment of said money until the proposed negotiation for exchange of Prisoners is finished.¹

And the first paragraph being read, viz.

“That General Washington be informed that Congress had no intention of connecting the settlement or payment of the accounts against the Convention troops with the proposed exchange of prisoners, and that he be authorized to proceed to negotiate said exchange with all convenient despatch on such terms, in all respects, as he may judge most expedient”—

An amendment was moved by Mr. [Robert R.] Livingston, seconded by Mr. [Nathaniel] Folsom, by adding “Yet from a change of circumstances, they think it improper to conclude an exchange, till it is agreed as a preliminary article that the accounts be settled and paid.”

A motion was made by Mr. [Thomas] McKean, seconded by Mr. [John] Penn, to postpone the consideration of the paragraph and amendment, in order to consider the following proposition:

“That the General be informed it is the wish of Congress that the exchange of prisoners, upon principles of equality, should proceed at all events; but that they also hope it may be practicable, in the course of the business, to obtain an assurance, that the accounts for the subsistence of the Convention troops shall be liquidated and paid, by retaining a number of them, not less than five hundred, to secure this

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 19, VI, folio 279. The proceedings following were also entered in the manuscript Secret (Domestic) Journal.

measure, or otherwise; that, however, Congress submit the whole to his wisdom and prudence."

On the question for postponing, "for the purpose above-mentioned," the yeas and nays being required by Mr. [John] Fell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Folsom,	no	} no	Mr. Searle,	no	} no
<i>Massachusetts Bay,</i>			Muhlenberg,	no	
Mr. Lovell,	no	} no	M. Lene,	no	
Holten,	no		Shippen,	no	
Partridge,	no		<i>Delaware,</i>		
<i>Rhode Island,</i>			Mr. M. Kean,	ay	} ay
Mr. Ellery,	no	} no	<i>Maryland,</i>		
<i>Connecticut,</i>			Mr. Plater,	no	} no
Mr. Huntington,	no	} no	Forbes,	no	
Sherman,	no		<i>Virginia,</i>		
Ellsworth,	no		Mr. Griffin,	no	} no
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Livingston,	no	} no	Mr. Penn,	ay	} no
Floyd,	no		Burke,	no	
L'Hommedieu,	no		Jones,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Fell,	no	} no	Mr. Mathews,	no	} no
Houston,	no				
Clark,	no				

So it passed in the negative.

On the question to agree to the amendment, the yeas and nays being required by Mr. [John] Fell,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Peabody,	no	} div.	Mr. Huntington,	no	} no
Folsom,	ay		Sherman,	no	
<i>Massachusetts Bay,</i>			Ellsworth,	no	
Mr. Lovell,	no	} no	<i>New York,</i>		
Holten,	no		Mr. Livingston,	ay	} no
Partridge,	no		Floyd,	no	
<i>Rhode Island,</i>			L'Hommedieu,	no	
Mr. Ellery,	ay	} ay			

<i>New Jersey,</i>			<i>Maryland,</i>		
Mr. Fell,	no	} no	Mr. Plater,	no	} no
Houston,	no		Forbes,	no	
Clark,	ay		<i>Virginia,</i>		
<i>Pennsylvania,</i>			Mr. Griffin,	no	} no
Mr. Searle,	no	} no	<i>North Carolina,</i>		
Muhlenberg,	no		Mr. Penn,	no	} no
M. Lene,	no		Burke,	no	
Shippen,	no		Jones,	no	
<i>Delaware,</i>			<i>South Carolina,</i>		
Mr. M. Kean,	no	} no	Mr. Mathews,	no	} no

So it passed in the negative.

The main question being amended so as to read—"That General Washington be authorized to proceed to negotiate an exchange of prisoners with all convenient despatch, on such terms, in all respect, as he may judge expedient"—

On the question to agree to this, the yeas and nays being required by Mr. [John] Fell,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} no	Mr. Fell,	ay	} ay
Folsom,	no		Houston,	ay	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Gerry,	no	} div.	Mr. Searle,	ay	} ay
Lovell,	no		M. Lene,	ay	
Holten,	ay		<i>Maryland,</i>		
Partridge,	ay		Mr. Plater,	ay	} ay
<i>Rhode Island,</i>			Forbes,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	ay	} ay
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>		
Sherman,	ay		Mr. Penn,	ay	} ay
Ellsworth,	ay		Burke,	ay	
<i>New York,</i>			Jones,	ay	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	ay	} ay

So it was resolved in the affirmative.

The next paragraph in the report was read, viz.

"That the resolution of Congress, of the 11 of January, instant, respecting the penalty for non-payment of the money due from the Convention troops be repealed:

"And that the Board of Treasury suspend the requisition for the payment of the said money, until the proposed negotiation for exchange of prisoners is finished".

A division was called for; and the question on the first part passed in the affirmative.

On the question to agree to the second paragraph, viz. "And that the board of treasury suspend," &c. the yeas and nays being required by Mr. [John] Fell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	no		McLene,	ay	
<i>Massachusetts Bay,</i>			<i>Maryland,</i>		
Mr. Lovell,	no	} div.	Mr. Plater,	ay	} ay
Holten,	ay		Forbes,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Griffin,	ay	} ay
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	ay	} ay	Mr. Penn,	no	} ay
Sherman,	ay		Burke,	ay	
<i>New York,</i>			Jones,	ay	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>					
Mr. Fell,	ay	} no			
Houston,	no				
Clark,	no				

So it was resolved in the affirmative.

On the question to agree to the whole as amended, viz.

That General Washington be authorised to proceed to negotiate an exchange of prisoners, with all convenient dispatch, on such terms in all respects as he may judge expedient.¹

¹ From this point the entries are in the writing of George Bond.

That the resolution of Congress of the 11th instant, respecting the penalty for non-payment of the money due from the Convention troops be repealed. And that the Board of Treasury suspend the requisition for payment of said money, until the proposed negotiation for exchange of prisoners is finished.

The yeas and nays being required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>				<i>Pennsylvania,</i>			
Mr. Peabody,	no	}	no	Mr. Searle,	ay	}	ay
Folsom,	no			McLene,	ay		
<i>Massachusetts Bay,</i>				<i>Maryland,</i>			
Mr. Lovell,	no	}	div.	Mr. Plater,	ay	}	ay
Holten,	ay			Forbes,	ay		
<i>Rhode Island,</i>				<i>Virginia,</i>			
Mr. Ellery,	no	}	no	Mr. Griffin,	ay	}	ay
<i>Connecticut,</i>				<i>North Carolina,</i>			
Mr. Huntington,	ay	}	ay	Mr. Penn,	ay	}	ay
Sherman,	ay			Burke,	ay		
Ellsworth,	ay			Jones,	ay		
<i>New York,</i>				<i>South Carolina,</i>			
Mr. Floyd,	ay	}	ay	Mr. Mathews,	ay	}	ay
L'Hommedieu,	ay						
<i>New Jersey,</i>							
Mr. Fell,	ay	}	ay				
Houston,	ay						
Clark,	no						

So it was resolved in the affirmative.

Adjourned to 10 o'Clock to Morrow.¹

THURSDAY, JANUARY 27, 1780

Mr. [Nicholas] Van Dyke, a delegate for Delaware, attended and produced the credentials of the delegates of that State, which were read, as follows:

¹ Charles Thomson resumes the entries here.

In the General Assembly of the Delaware State,
at Wilmington, Wednesday, A. M. December 22, 1779.

The General Assembly proceeded, by joint Ballot, to the Election of Delegates to represent this State in the Congress of the United States of America for the ensuing Year, and the Box containing the Ballots being examined, The Honorable John Dickinson, Nicholas Vandike and George Read, Esquires, are declared duly elected.

Extract from the Minutes,

JA^s BOOTH, *Clk of Assembly.*

In the General Assembly of the Delaware State,
at Wilmington, Friday, P. M. December 24, 1779.

The General Assembly proceeded, by joint Ballot, to the Election of a Delegate from this State to the Congress of the United States of America, to supply the Place of George Read, Esquire, who was appointed to that Service, and hath declined to accept of the said Appointment, and the Box containing the Ballots being examined, The Honorable Thomas M^cKean, Esquire, is declared unanimously elected.

Extract from the Minutes,

JA^s BOOTH, *Clk of Assembly.*¹

A letter, of 26, from the Board of War, was read:

WAR OFFICE, Jan^y 26th 1780.

SIR, There have been some applications made to us for forage for the horses of the clerks of Gen^l Mifflin late Q^r M^r General, who are waiting in Philadel^a for the purpose of settling their accounts.

We have also discovered in the returns of the Issuing Commissary and of the keeper of the public stables that M^r. Thomas Jones late Dep^y Comm^y Gen^l of issues, and who has been out of office near a twelve month, has been drawing provisions and forage ever since, for the same reason we do not doubt but there are many others who continue to draw the public supplies, who are under similar circumstances.

In the instance of General Mifflin's clerks, it is alledged they have been ready for a settlement, and we suppose the reason why this matter has not been closed, is altogether owing to the small number of

¹ The original is in the *Papers of the Continental Congress, Delaware, Credentials of Delegates.*

auditors, and the variety of business, which has necessarily devolved on them.

We would therefore recommend that either commissioners should be appointed in the country at proper places for the settlement of all accounts of any kind or nature, or in case this should be thought inexpedient, that two new Chambers of account should be erected, subordinate to the Treasury Board, in the same manner as the present auditors, to devote their attention particularly to the settlement of the accounts of the Commissary's and Q^r M^r Gen^l Department respectively, and when these accounts do not admit of constant employment, that they take up any other business of the Continent, which relates to their line of duty indiscriminately.

The Board apprehend that the Continent would save greatly by retrenchments in the rations pay and forage of persons under the description above mentioned; and that the speedy settlement of public accounts, would produce other good effects, perhaps not less important.

Should Congress not be disposed at present to take up the matter we would wish to be informed of the precise period, when after their being out of office, the rations pay and forage of officers of this denomination, shall cease; at present we have no rule of conduct to govern us.

Resolved, That the Board of War be informed in answer to their letter of the 26th Instant, that the pay and rations of all officers cease at the time of their discharge from office, and if any officer has drawn pay and rations heretofore after his discharge, he ought to be charged in debt to the United States for the same.¹

On which, a motion being made,

Ordered, That the letter and motion be referred to the Board of Treasury.

A letter, of this day, from Major Eustace, was read, requesting leave to resign:

Resolved, That his resignation be accepted.

A letter, of 23, from Royal Flint was read:²

¹ This letter and motion, the latter in the writing of Roger Sherman, are in the *Papers of the Continental Congress*, No. 148, I, folio 45.

² Eustace's letter is in the *Papers of the Continental Congress*, No. 78, VIII, folio 339; that of Flint is in No. 78, IX, folio 307.

Ordered, That it be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of the Board of War and Ordnance, a warrant issue on his excellency, the president and supreme executive council of the State of Pennsylvania, for one hundred thousand dollars, in part of the monies raised by the said State, for the use of the United States, in favour of William Henry, Esquire, of Lancaster, in the said State, for the purchase of cloathing, for the use of the army; the said William Henry to be accountable.¹

Congress took into consideration the report of the committee, appointed on the 12 November last, to report a proper allowance for the officers of sundry departments, from the last adjustment of their accounts; Whereupon,

The Committee appointed the 12th Nov. last to report a proper allowance for the officers of sundry Departments from the last adjustments of their accounts, respectively, having attended that business, find that the said accounts have been adjusted at different periods and that a strict adherence to the Resolution appointing the Committee would operate partially even to the officers of the same Department; the Committee therefore having a retrospect to the 2nd November 1778 soon after which time sums were advanced by Congress to several of the said officers, with an intention as it is supposed to raise their salaries, beg leave to Report;

Resolved, That the treasurer, the commissioners of the Board of War, the commissioners of the chambers of accounts, the commissioners of the navy boards, the secretaries of the Board of Treasury and of the Board of War, the assistant auditor general, and the clerks of the Board of Treasury, Board of War, chambers of accounts, treasurer, auditor general, and of the secretary of Congress, be entitled to receive, in lieu of every other allowance, from the 2d day of

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 53.

November, 1778, or from the dates of their appointments, if elected after that time, the same salaries as are allowed them respectively by a resolution of Congress of the 23 October, and one of 12 November, 1779:

That the pay of John Gibson, Esq. for his services whilst auditor general, be as follows; from the 9 December, 1776, the time of the last adjustment of his account, to the 16 October, 1778, at the rate of 1715 dollars per annum; from the date last mentioned, to the 2 November, 1778, at the rate of 3430 dollars per annum; and from thence to the 25 November, 1779, at the rate of 12,000 dollars per annum:

That the pay of the secretary of Congress be as follows: from the 10th February, 1778, the date of the last settlement of his account, to the 16 of October following, at the rate of 2000 dollars per annum; from the time last mentioned to the 2d November, 1778, 4000 dollars per annum; and from and after that day until the further order of Congress, at the rate of 14,000 dollars per annum:

That the salary of the secretary of the Marine Committee be, from the 2d November, 1778, at the rate of 8000 dollars per annum, until he was appointed secretary to the Board of Admiralty:

That the pay of the clerks of the Commercial Committee, the clerk of the navy board of the middle district, and the secretary of ordnance and paymaster to the Board of War and Ordnance, from the 2 November, 1778, or from the dates of their appointments, if elected after that time, be at the rate of 8000 dollars per annum respectively, until the further order of Congress:

That William Story, having performed the service of clerk and pay master to the navy board of the eastern district, be ~~appointed to that office and~~ entitled to receive, from the 2 November, 1778, in lieu of every other allowance, at the rate of 8000 dollars per annum, until the further order of Congress.

~~That the accounts of said officers be forthwith adjusted and that no advances be hereafter made on their salaries respectively :~~

[That the salary of the treasurer of loans, from the second November, 1778, be the same as that of a commissioner of the chambers of accounts, until the further order of Congress; in full of all services in the said office:

~~That the accounts of the said officers be forthwith adjusted and closed, and that no advance be hereafter made to any of them on account of their salaries but by order of Congress.~~

~~Your committee further beg leave to report that the cases of the principal officers named above previous to the second day of November, 1778, be recommended to the consideration of some future Congress.¹]~~

Congress proceeded to consider the report of the committee, to whom was referred on the 17 December last, the last return of provisions and stores issued at Philadelphia, from the 1 to 26 November, inclusive; and thereupon,

Resolved, That all issues of articles in the department of the commissary general of issues, made in pursuance of a resolution of Congress of the 2 October, 1777, be discontinued:

That the Medical Committee, as soon as they shall judge convenient, give directions for removing the hospitals in or near Philadelphia, to some other place, where wood and other necessities may be procured on more reasonable terms than in the city aforesaid:

That the issuing commissaries be respectively directed not to deliver rations, or parts of rations, to any hospital commissary, unless on returns signed by him and countersigned by the principal physician or surgeon of the respective hospitals, specifying the names and stations of the persons

¹This report, in the writing of Elbridge Gerry, except the portion in brackets which is in the hand of Thomas McKean, is in the *Papers of the Continental Congress*, No. 28, folio 281.

for whom, and for what time, the rations are drawn; and that the hospital commissary be also required to annex to each return the receipts of the persons to whom he shall have delivered the provisions drawn on the last return:

That the commissary general of issues direct the form of the returns and receipts aforesaid.¹

Resolved, That a committee of three be appointed to prepare a draught of a commission for the judges of the Court of Appeals:

The members chosen, Mr. [Thomas] McKean, Mr. [Oliver] Ellsworth, and Mr. [Robert R.] Livingston.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JANUARY 28, 1780

An extract from the minutes of the general assembly of the State of Pennsylvania, was laid before Congress, purporting that the House have appointed a committee for conferring with Congress and the executive council, on the supply of flour demanded of this State, &c., and authorising the committee to request a conference with the honorable Congress, or a committee thereof, on the business aforesaid.²

Resolved, That a committee of three be appointed to confer with the committee of the general assembly of the State of Pennsylvania, on the subject afore mentioned.

The members chosen, Mr. [Roger] Sherman, Mr. [Robert R.] Livingston, and Mr. [James] Forbes.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. Robert R. Livingston, for forty six thousand six hundred and sixty six dollars and sixty ninetieths of a dollar,

¹ This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 29, folio 123.

² This communication is in the *Papers of the Continental Congress*, No. 69, II, folio 173.

to discharge a draught, of the 25th instant, in his favour for the like sum made by Ephraim Blaine, Esquire, commissary general of purchases, the same to be charged to the said commissary general, for the use of his department.¹

Sundry motions being made for settling the accounts of agents for prizes, &c. for disposing of ships and vessels, and for establishing regular packets between the United States and France,

Ordered, That they be referred to the Board of Admiralty.

A motion being made for transferring the business of the Committee of Commerce to the Board of Admiralty:

Ordered, That the same be referred to the Board of Admiralty and Committee of Commerce.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Charles Pettit, assistant quarter master general, the following warrants amounting to the sum of eight hundred and fifty thousand dollars, issue in his favour on account of Major General Greene, quarter master general, for the use of his department; and for which he is to be accountable, viz.

One on Joseph Borden, commissioner of the continental loan office, for the State of New Jersey, for six hundred thousand dollars; and

Another on Abraham Yates, Junior, commissioner of the continental loan office, for the State of New York, for two hundred and fifty thousand dollars.

That a warrant issue on the treasurer, in favour of Mr. [Nathaniel] Peabody, one of the delegates for the State of New Hampshire, on his application, for four thousand dollars, for which the said state is to be accountable.

Whereas the drawing of the blanks as well as the prizes in the second class of the United States lottery has been

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 59.

attended with great and unnecessary expence and delay, and the drawing of the prizes only is equally secure and advantageous to the adventurers; therefore,

Resolved, That the Board of Treasury be authorized to direct the managers of the United States lottery to draw the prizes only, in the third class of the said lottery; and that in case any of the tickets should remain unsold at the commencement of the drawing, to continue the sale in the place where the lottery is drawn, under the direction of the said Board.¹

Ordered, That the report of the Board of Treasury relative to the allowance of managers of the lottery be re-committed.

The committee appointed to receive the communications of the minister of France, reported the following extracts and summary:

No. 1

Extract of a despatch from lord Weymouth to lord Grantham, dated March 16, 1779.

My language to the marquis of Almodavar, flowing from my ardent desire of peace, has gone too far, and failed in precision, if it imported a disposition to exchange the royal honour and manifest rights, for a decent exterior and plausible temperature. Let France propose her complaints, pretensions, or points of any kind whatever, and an adequate answer will be given: Or let there be a truce for a certain time between Great Britain and France, during which period the pretensions of one and the other may be adjusted through the good offices of his Catholick Majesty. Let the colonies propose their complaints, and the conditions for their security and caution by which may be re-established

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 57.

the continuance and authority of a lawful government; we shall then see if we can come to a direct and immediate agreement. Or, if they also prefer the method abovementioned, let there be likewise a truce made with North America, that is, a real truce, and effective suspension of hostilities, during which the liberty and effects of all sorts and classes of persons may be re-established and secured, and all violence suspended on one side and the other, against the respective individuals and the estates or effects they possess. In these truces the French may treat of their own peculiar matters without giving the umbrage which would be inevitable if they mixed in the negotiation their own particular advantages with the supposed interests of those whom France affects to call her allies: And his Britannick Majesty may establish the government of his own dominions, without the disagreeable circumstance of receiving the conditions relative thereto from the hands of a declared enemy.

No. 2.

The ultimatum of the propositions made by the Catholic King to the two courts of Paris and London.

If these openings or propositions had come immediately after the king had made his for the forming of a plan of reconciliation, many difficulties might have been removed, or adjusted, by the modifications which it might have been practicable to have negotiated, if reciprocal good faith had existed, and a confidence to conclude a peace. But having lost more than two months' time, without mentioning what had been uselessly spent before, and that during this interval there was no cessation in great preparations for war, suspicions inevitably arise, that the object of England is

to consume the remaining months of the campaign, and to continue the war with vigour. If this be the case, every attempt of the king will be useless towards establishing concord between the belligerent powers. Nevertheless his Majesty, willing to give the last proof of his love of humanity, and to demonstrate that he has left nothing undone to impede and put a stop to the calamities of war, has commanded that the following plan be proposed to the two courts, which on his part is the *ultimatum* of his negotiation: That there shall be a suspension of arms with France without limitation, and under this condition—that neither of the belligerent powers shall break it without giving the other one year's previous notice. That with a view that this suspension of hostilities may re-establish reciprocal security and good faith between the two crowns, there shall be a general disarming, within one month, in all the European; within four, in those of America; and within eight, or one year, in the most remote parts of Africa and Asia. That in the space of one month a place shall be fixed upon, in which the plenipotentiaries of the two courts shall meet to treat of a definitive adjustment of peace, regulate the respective restitutions or compensations necessary in consequence of the reprisals that have been made without any declaration of war, and to settle such matters of complaint or pretensions, as the one crown may have against the other; to the accomplishment of which end, the king will continue his mediation; and does now, for the holding of this congress, make an offer of the city of Madrid. That a like suspension of hostilities shall be separately granted by the king of Great Britain to the American colonies, through the intercession and

mediation of his Catholick Majesty, to whom the king of Great Britain shall promise the observance thereof, and with the condition not to break it, without giving his majesty one year's previous notice, in order that he may communicate the same to the said American provinces: And that there be a reciprocal disarming, the same as with France, in the same times and places, regulating the limits that shall not be passed by the one or the other party, with respect to the places they may respectively occupy at the time of ratifying this arrangement. That for settling these particulars and others relative to the stability of the said suspension, and the effects it may produce while it subsists, there shall be sent to Madrid one or more commissaries on behalf of the colonies; and his Britannick Majesty shall also send his, under the mediation of the king, if necessary; and that in the mean time, the colonies shall be treated as independent in fact. Finally, in case all the belligerent powers, or any one of them, or if only the said colonies demand that the treaties, or agreements, which shall be concluded, be guarantied by these powers and by Spain, the same shall be done. And the Catholick King now makes an offer of his guarantee to these preliminaries.

No. 3

Extract of an answer of the court of London to the propositions contained in the ultimatum of Spain, dated May 4, 1779.

The propositions of the Catholick King tend directly to the end which Spain had proposed, to form, from the pretensions of the colonies to independence, one common cause with them and with France. If the

conditions which the Court of Versailles had communicated to his Catholick Majesty do not present a better aspect than this for the treaty, or do not offer less imperious and less unequal terms, the king of Great Britain has only to lament that he finds the hopes frustrated, which he had always conceived, of a happy restoration of peace, as well for his own subjects, as the world in general.

The committee appointed to receive the communications of the honble the Minister Plenipotentiary of France, having conferred with the Minister, laid before Congress a summary of the said communications.

A summary of the communications made by the minister to the committee, and by them reported to Congress, January 28, 1780.

The minister of France informed the committee, that he had it in command from his king to impress upon the minds of Congress, That the British cabinet have an almost insuperable reluctance to admit the idea of the independence of these United States, and will use every possible endeavour to prevent it. That they have filled several of the courts of Europe with negotiations, in order to excite them to a war against France, or to obtain succours; and are employing the most strenuous endeavours to persuade the several powers that the United States are disposed to enter into treaties of accommodation. That many persons in Europe are actually employed in bringing such treaties to perfection; and that they have no doubt of their success. That the objects which the British cabinet hope for from those measures are, to destroy the superiority which France has now at sea, by diverting her powers

and resources from naval to land operations, and by engaging her in a land war, where she must risk very important interests, while England would risk nothing but money; or to break, or weaken the alliance, by destroying the confidence which the allies ought to have in each other. That his most Christian Majesty gives no credit to the suggestions of Britain relative to the disposition of the United States; and it is necessary that measures be taken for the preventing of other powers from being deceived into a belief of them. That the negotiations of Britain, as far as could yet be learned, had not succeeded. That the dispositions of all the European powers are, as far as can be known, very friendly to France; but some of them may be engaged in secret treaties with Britain, which may oblige them, in some event, to assist her with troops even against their inclinations. That such event may arise, and if it should, it is probable it will produce an armed mediation, the consequences of which would be, that the allies must accept of the terms proposed by the mediator, or continue the war under the disadvantage of having the forces of the mediator united with those of their enemies. That, in such event, it is possible the terms proposed will be such as Spain offered, and Britain rejected, in the last proposed mediation. That, though the powers who may be under such engagements by treaty to Great Britain, from their friendly disposition towards his most Christian Majesty, may be very unwilling to give assistance to his enemies, yet they may find it indispensably necessary in compliance with their engagements; but it is not improbable that their reluctance, or the distance of their dominions, may delay such assistance, if granted at all, so as to

be too late for the next campaign. That should the enemy be in possession of any part of the United States, at the close of the next campaign, it will be extremely difficult to bring Great Britain to acknowledge their independence; and if a mediator should be offered, while the enemy is in possession of any part, an impartial mediator could not easily refute the arguments which might be used for its retaining such possessions. And probably a mediator well disposed towards Great Britain might insist on her holding them; and if not agreed to, the hostility of such a mediator would be the necessary consequence. That should Great Britain form such alliances, or procure such aid as are the objects of her present negotiations, there will be every reason to fear a long and an obstinate war, whereof the final event may be doubtful. That this view of affairs plainly points out the necessity for the greatest possible vigour in the operations of the next campaign, in order to dispossess the enemy of every part of the United States, and to put them in condition to treat of peace, and accept of a mediation, with the greatest advantage; and the preparations for it ought to be as speedy and as effectual as possible. That France and Spain are prepared to make a very powerful diversion, and will exert themselves most strenuously for preserving and improving their naval superiority, and for employing the powers of the enemy in Europe and the West Indies. The minister declared, as from himself, that he doubted not his most Christian Majesty will spare some ships to the United States, if it can be done without endangering his superiority at sea; and that an application made to the minister informally is more eligible than to the king, because it would give his

Majesty great pain to refuse the request, though he might be in no condition to grant it. That at all events supplies should be prepared on a supposition that the ships will be granted; and such supplies should be put into the hands of the agent for the marine of France, and considered as the king's property.

He desires to be informed, as far as Congress may deem proper, what force the United States can bring into the field next campaign? On what resources they rely for their maintenance, and necessary appointments? And what shall be the general plan of the campaign, on supposition either of having, or not having, the aid of ships of war? He gives it as his opinion, that an application for clothing may be made to his most Christian Majesty with prospect of success; and although measures have been taken for sending arms and warlike stores to America, yet it would be prudent in Congress not to neglect any other means for procuring those supplies, or supplies of clothing.¹

Ordered, That it be referred to the said committee, and that they report thereon.

Congress took into consideration the report of the committee on the letter from Major General Greene, quartermaster general, relative to the claim of Mr. S. Moore, and some time being spent thereon,

Ordered, That it be re-committed.²

Adjourned to 10 o'Clock to Morrow.

¹ These extracts and communications were entered only in the manuscript Secret Journal, Foreign Affairs. The report of the committee, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 25, I, folio 173. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) III, 481.

² The report which was considered is endorsed by Thomson: "Delivered in January 28, 1780." It is the same, except for a few verbal changes, as the report delivered in January 25, and is in the writing of Ezra L'Hommedieu. It is in the *Papers of the Continental Congress*, No. 19, IV, folio 91.

SATURDAY, JANUARY 29, 1780

A letter, of 24, from Brigadier General Irvine, was read:

Ordered, That it be referred to the Board of War.

A memorial from the executors of Peter Chevalier, deceased, in behalf of his widow and children, was read:¹

Ordered, That it be referred to the Committee of Commerce.

A report of the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [Allen] Jones, one of the delegates for the State of North Carolina, on his application, for six thousand dollars; for which the said State is to be accountable.

The committee, appointed on the 10th to consider a motion relative to the army, brought in a report:

The Committee appointed the 10th Inst. to consider a motion relative to the army, having agreeable to the intentions of Congress consulted General Washington on the subject, and considering also that all matters relative to the establishing and reinforcing the army have been lately referred to the Board of War, who are to confer with the Baron De Steuben on the subject beg leave to report. That the said Motion together with a letter from G. Washington to the Committee dated the 23^d Inst. be referred to the Board of War.²

Ordered, That the said motion, together with a letter, of the 23, from the Commander in Chief to the committee, be referred to the Board of War.

On motion of Mr. [Elbridge] Gerry, seconded by Mr. [Nathaniel] Peabody,

Resolved, That a secretary be not allowed to the navy board in the middle district, but that Mr. J. Pennell be clerk and paymaster to the said board, with his former salary of eight thousand dollars per annum.

¹ This memorial, dated January 27, 1780, is in the *Papers of the Continental Congress*, No. 41, II, folio 90.

² This report, in the writing of Elbridge Gerry, is in the *Papers of the Continental Congress*, No. 21, folio 235. It is endorsed by Thomson: "Delivered and read January 29, 1780; agreed to January 29." See *ante*, January 10. Draft of Washington's letter is in the *Washington Papers*, Series A. V, pt. 1, 153.

On motion of Mr. [Robert R.] Livingston, seconded by Mr. [John] Penn,

Resolved, That the Board of War, in preparing their estimate for the troops to be furnished for the ensuing campaign by the respective States, adjust and report the quotas to be furnished by the respective States.

Adjourned to 10 o'Clock on Monday.

MONDAY, JANUARY 31, 1780

A letter from General Washington was read, enclosing one, of 16, from Brigadier du Portail;

Also one, of 26, from the same, was read, respecting Colonel Bland.

Ordered, That they be referred to the Board of War.

Two letters, of 27, from the General, were read.¹

Resolved, That Congress are impressed with a high sense of the attachment and zeal of the magistrates and inhabitants of the State of New Jersey, in the common cause; and of their ready and effectual exertions in providing and furnishing the army, under his Excellency the Commander in Chief, with provisions, at a time when the difficulty of transportation rendered such exertions absolutely necessary.

The committee, to whom was referred the summary of the communications from the Minister of France, brought in a report, which, being read and debated by paragraphs, was agreed to.

Congress taking into consideration the foregoing communications,

Resolved, That the following answer be given to the communications of the honourable the Minister Plenipotentiary of France: That Congress entertain the most grateful sense of the unremitting attention given to the

¹ The first letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 333; the letter of the 26th is on folio 371; those of the 27th are on folios 375 and 379.

interests of the United States by their illustrious ally; and consider the communications made to them by his minister under his Majesty's special command as equally wise and interesting. That the boundless confidence which they repose in his Majesty, in consequence of his so generously interesting himself in the affairs of these United States, and the wisdom and magnanimity of his councils, determines them to give the most perfect information in their power of their resources, their views and their expectations.

That to this end, they state as follows: That the United States have expectations on which they can rely with confidence of bringing into the field an army of 25,000 effective men, exclusive of commissioned officers. That this army can be reinforced by militia so as to be in force sufficient for any enterprises against the posts occupied by the enemy within the United States. That supplies of provisions for the army in its greatest number can certainly be obtained within the United States; and the Congress, with the cooperation of the several states, can take effectual measures for procuring them in such manner as that no operation will be impeded. That provision also for such of the forces of his most Christian Majesty as may be employed in conjunction or co-operation with those of the United States, can be procured under the direction of Congress; and such provision shall be laid up in magazines, agreeably to such instructions as his Majesty's Minister Plenipotentiary shall give; and the magazines shall be put under the direction of the agent of the marine of France. That Congress rely on the contributions of the states by taxes, and on moneys to be raised by internal loans for the pay of the army. That supplies of clothing, of tents, of arms and

warlike stores, must be principally obtained from foreign nations; and the United States must rely chiefly on the assistance of their ally for them; but every other means for procuring them are already taken, and will be prosecuted with the greatest diligence. That the United States, with the assistance of a competent naval force, would willingly, during the next campaign, carry on the most vigorous offensive operations against the enemy in all the posts occupied by them within the United States. That without such naval force, little more can be attempted by them than straitening the quarters of the enemy, and covering the interior parts of the country. That their forces must be disposed in such manner as to oppose the enemy with the greatest effect, wheresoever their most considerable operations may be directed. That at present the southern states seem to be their principal object, and their design to establish themselves in one or more of them; but their superiority at sea over the United States enables them to change their objects and operations with great facility, while those of the United States are rendered difficult by the great extent of country they have to defend. That Congress are happy to find that his most Christian Majesty gives no credit to the suggestions of the British cabinet relative to the dispositions of the United States, or any of them, to enter into treaties of accommodation with Great Britain; and wish his Majesty and all the powers of Europe to be assured, that such suggestions are insidious and without foundation. That it will appear by the constitutions and other publick acts of the several states, that the citizens of the United States possessed of arms, possessed of freedom, possessed of political power to create and direct their magistrates as they

think proper, are united in their determinations to secure to themselves and their posterity the blessings of liberty, by supporting the independence of their governments, and observing their treaties and publick engagements with immoveable firmness and fidelity. And the Congress assure his Majesty, that should any individual in America be found base enough to show the least disposition for persuading the people to the contrary, such individual would instantly lose all power of effecting his purpose, by forfeiting the esteem and confidence of the people.¹

The said committee report, That in a second conference with the honourable the Minister Plenipotentiary of France he communicated to them—

That his most Christian Majesty, being uninformed of the appointment of a minister plenipotentiary to treat of an alliance between the United States and his Catholick Majesty, has signified to his Minister Plenipotentiary to the United States, that he wishes most earnestly for such an alliance; and in order to make the way thereto more easy, has commanded him to communicate to the Congress certain articles which his Catholick Majesty deems of great importance to the interests of his crown, and on which it is highly necessary that the United States explain themselves with precision, and with such moderation as may consist with their essential rights.

That the articles are—

1. A precise and invariable western boundary to the United States.
2. The exclusive navigation of the river Mississippi.

¹ This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 25, I, 181. A copy in Thomson's hand is on folio 189. It was entered only in the manuscript Secret Journal, Foreign Affairs. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) III, 485.

3. The possession of the Floridas; and

4. The lands on the left or eastern side of the river Mississippi.

That on the first article, it is the idea of the cabinet of Madrid that the United States extend to the westward no farther than settlements were permitted by the royal proclamation bearing date the day of 1763.

On the second, that the United States do not consider themselves as having any right to navigate the river Mississippi, no territory belonging to them being situated thereon.

On the third, that it is probable the king of Spain will conquer the Floridas during the course of the present war; and in such event, every cause of dispute relative thereto between Spain and these United States ought to be removed.

On the fourth, that the lands lying on the east side of the Mississippi, whereon the settlements were prohibited by the aforesaid proclamation, are possessions of the crown of Great Britain, and proper objects against which the arms of Spain may be employed, for the purpose of making a permanent conquest for the Spanish crown. That such conquest may, probably, be made during the present war. That therefore it would be advisable to restrain the southern states from making any settlements or conquests in those territories. That the council of Madrid consider the United States as having no claims to those territories, either as not having had possession of them before the present war, or not having any foundation for a claim in the right of the sovereignty of Great Britain, whose dominion they have abjured.

That his most Christian Majesty, united to the Catholic King by blood and by the strictest alliances, and

united with these states in treaties of alliance, and feeling towards them dispositions of the most perfect friendship, is exceedingly desirous of conciliating between his Catholick Majesty and these United States, the most happy and lasting friendship.

That the United States may repose the utmost confidence in his good will to their interests, and in the justice and liberality of his Catholick Majesty; and that he cannot deem the revolution which has set up the independence of these United States as past all danger of unfavourable events, until his Catholick Majesty and the United States shall be established on those terms of confidence and amity which are the objects of his most Christian Majesty's very earnest wishes.¹

The Board of Admiralty and the committee appointed to prepare the draught of a commission for the judges of the court of appeals, delivered in reports.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 1, 1780

A letter, of 31 January, from the Board of War, was read, enclosing two letters from Mr. Holker:²

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [Nicholas] Van Dyke, Mr. [Abraham] Clark, and Mr. [Ezra] L'Hommedieu.

A letter, of this day, from Jonas Fay, Moses Robinson, and Stephen R. Bradley was read, enclosing a paper endorsed "appointment of agents for Vermont."³

¹ This report was entered only in the manuscript Secret Journal, Foreign Affairs. A copy, in Thomson's hand, is in the *Papers of the Continental Congress*, No. 25, I, folio 193. It was presented February 2, as the endorsement shows. It is printed in the *Diplomatic Correspondence of the American Revolution*, (Wharton) III, 488.

² This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 51.

³ This letter is in the *Papers of the Continental Congress*, No. 40, I, folio 313.

The Board of Admiralty sent in a report for establishing packets; and the Board of War sent in a report for apportioning the quotas of men to be raised by the several States.

ADMIRALTY OFFICE *Feby. 1, 1780.*

The Board pursuant to a motion referred to them for establishing regular packets between these United States and the Kingdom of France beg leave to Report the following plan.

That three Packet Boats be established by the Board of Admiralty to sail from hence for Nantes in the Kingdom of France as soon as may be after the first Tuesday in the months of April June August October December and February annually during said establishment.

That the mails be made up in the Post office in Philadelphia on said days and that the Post Master General fix the Postage of all private letters carried by said Packet boats.

That the said Packet Boats sail from Nantes aforesaid for Delaware or Chesapeake Bays as soon as may be after the first Thursday in the months of June, August, October, December, February, and April Annually on which days the mails are to be made up in France.

That the Minister Plenipotentiary of these United States at the Court of France appoint some suitable person for that purpose and for fixing and receiving the postage of private letters there.

That the Captains of Said Packet boats follow such directions as the Board of Admiralty shall give them from time to time, the said Board conforming themselves in their directions as nearly as possible to the foregoing Resolutions.¹

AT A BOARD OF WAR, *Jan'y 31. 1780*

Present Col Pickering, M^r. Peters, Col Grayson

The want of certain information of the strength of each State in the Union, induced the Board to request Congress to settle the relative proportion of any given number of Troops to be drawn from the States, by which they might adjust the quotas necessary for the next campaign. Congress having been pleased to direct the Board in the first instance to make such adjustment, they have been obliged to recur to the first apportionment of the 88 Battalions, as the least exceptionable, only excluding Georgia on account of her

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 179.

particular circumstances. By this rule the Board have fixed the quotas of the several States as follows, viz.

New Hampshire.....	1215
Massachusetts Bay.....	6070
Rhode Island.....	810
Connecticut.....	3238
New York.....	1620
New Jersey.....	1620
Pennsylvania.....	4855
Delaware.....	405
Maryland.....	3238
Virginia.....	6070
North Carolina.....	3640
South Carolina.....	2430, exclusive of blacks &c

In the whole amounting to.....	35, 211 which number
arises from the following estimate, viz.	
Infantry—including the rank and file only.....	24. 000
Sergeants and musick for 79 Regt. ^s (the number of Regts	
now existing) of the original 88.....	3. 871
Sergeants and music for 10 additional Corps.....	500
Officers' Servants, as well for the 79 Regts as for the Officers	
of the independent Corps, and Genl Officers who in time of	
action will probably be sent with their Masters Baggage....	2000
Artificers and Waggoners, including drivers of the artillery and	
ammunition waggons.....	1600
Cavalry, 900 Sergeants and music 100.....	1000
Servants of the Officers of Cavalry.....	80
Artillery 1008, Matrosses 912, Sergeants, Corporals, gunners	
and bombardiers, 96 drums and fifes and 88 artificers at-	
tached to the Artillery.....	2000
Servants to Artillery Officers.....	160

Making in the whole..... 35, 211

They have added to this account, the Artillery and Cavalry that when the men belonging to those Corps are credited to the States in which they were raised (agreeably to the Resolution of Congress) the deductions thereby made from their quotas of Infantry might not reduce the latter in the whole below 24,000 rank and file. From this number, sickness and desertions will probably take off one fifth

part by the middle of the campaign; so that the operating force of Infantry for the main army, that in Carolina, and on the frontiers will not then exceed 19,200 rank and file.

~~In making this estimate, they have rejected all those men returned in the abstract of the muster rolls of October, whose times of service will expire between that day and the first of July preceeding, (when the Campaign may be considered as commencing) being only~~

If 79 battalions (as Georgia is excluded) were to be completed to their full complement, agreeably to the establishment of May 1778 the number of troops would amount to 43,687 including the sergeants and music with the rank and file.

The Regimented Artificers in the departments of the Q^r Master Gen^l and Comm^r Gen^l of Military Stores will amount to about 500 men which when credited to the States, will be a deduction of so many from the military force before stated. Another deduction will be made by drafting from the Line three companies of sappers and miners which with the servants of the Engineers and Officers of the sappers and miners will amount to 220 men.

If the whole number of Sergeants in the 79 battalions and 10 independent Corps be added to the 24,000 rank and file the amount will be 26,581
from which if one fifth for sickness and desertions be deducted . 5.316

there will remain 21,265
men armed with muskets and bayonets—a force small enough they conceive for any decisive operations the next campaign.

In regard to Officers' Servants, it is to be regretted that thereby such a deduction from the strength of the army should be made, but it is Gen^l Washington's opinion, as well as our own, that officers must be furnished with servants from the line, their appointments being insufficient to procure them in any other way. When a stricter discipline is introduced perhaps the number withdrawn from action may be lessened thereby. For carrying this plan into execution the Board beg leave to report the following Resolutions

That for the ensuing campaign, the States be respectively required to furnish by drafts or otherwise on or before the first day of April next their respective deficiencies of the number of 35,211
Passed. men which Congress deem necessary for the service of the present year. The quotas of the several States to be fixed in the following manner—viz: (as mentioned in the first page)

That all the men whose times of service do not expire before the last day of September next, be counted towards the quotas of the States to which they respectively belong, whether they compose the Battalions in the line of the Several States—those of the additional Corps including the guards, the artillery and horse—or the regimented artificers in the Departments of the Q^r Master Gen^l or Comm^d Gen^l of Military Stores who being credited to the States respectively should be provided for, deemed and treated in the same manner with the men in the several State lines. And it is recommended to the several States to make like provision for the Officers and men of the Artillery, Horse, additional Battalions including the guards and regimented Artificers, as may be made in pursuance of any resolution of Congress for the Officers and men of their respective Battalions, with such exceptions respecting the regimented artificers, as have been made by Congress in their Acts concerning them.

That the Commander in Chief be directed forthwith to transmit to the several States accurate returns of the Troops now in service, belonging, or credited to their respective quotas, to the intent that immediate measures be taken by the Govmt^e of the States, to bring the men to be raised, into the field with certainty and expedition.

The Board have adjusted the quotas without regard to any particular number of Regt^s into which the troops of each State may finally be divided—for tho' the formation of Regiments into equal numbers would be attended with many advantages, yet if any precise number of Regts and their strength were fixed for each State, the credit to be given for their men in the artillery, horse and extra Corps would immediately produce considerable inequalities

The other points relative to the Army, referred at the same time to the Board, they will report upon without delay¹

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 2, 1780

A letter, of 30 January, from General Washington, was read, inclosing a letter from Major General Greene, quarter master general, and the proceedings of the general court martial on the trial of Major General Arnold:²

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 88.

² Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 385.

Ordered, That Monday next be assigned for considering the proceedings aforesaid.

Congress took into consideration the report of the committee, appointed to prepare the draught of a commission to the judges of the Court of Appeals; and thereupon,

Resolved, That the commission to the judges of the Court of Appeals be as follows:

The United States of America in Congress assembled, to the honorable

Greeting:

Know you, that, reposing special trust and confidence in your patriotism learning, prudence, integrity, and abilities, we have assigned, deputed, and appointed you one of our judges of our Court of Appeals, to hear, try, and determine all appeals from the courts of admiralty, in the states respectively, in cases of capture, ~~upon the water~~ which now are, or hereafter may be duly entered and made in any of the said states; and to do generally all those things that you are or shall be authorized and empowered by Congress to do and perform, and which shall be necessary ~~in and about the premises~~ for the execution of the said office, according to the law and usage of nations and the acts of Congress; to have, hold, exercise, and enjoy, all and singular, the powers, authorities, and jurisdictions aforesaid; and also the privileges, benefits, emoluments, and advantages to the said office belonging, or in any wise appertaining.

Witness, his Excellency SAMUEL HUNTINGTON, Esq. president of Congress, at Philadelphia, the day of in the fourth year of our independence, and in the year of our Lord one thousand seven hundred and eighty.¹

Congress took into consideration the report of the Board of War, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 3, 1780

A letter, of 10 January, and a memorial from Samuel Safford, lieutenant colonel, were read:

¹ This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 29, folio 383.

Ordered, That the memorial be referred to the Board of War.

A memorial from William Young was read.¹

A letter, of 3d, from J. Nourse, assistant auditor general, was read:

Ordered, That it be referred to the Board of Treasury, to take order.

A letter, of 3d, from Robert Troup, secretary to the Board of Treasury; and a letter, of the same day, from the Board of War, were read:²

Ordered, That they be referred to the Board of Treasury.

A letter, of 15 December, from the governor of Georgia, enclosing several resolves and proceedings of the assembly and executive council of that State, and accompanied with a letter, of 30 November, from the speaker of the house of assembly; and a letter, of 23 January, from Clement Nash, were read:³

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [John] Mathews, Mr. [Thomas] Burke, and Mr. [Cyrus] Griffin.

Ordered, That the second report of the committee, appointed to receive the communications of the honorable the Minister Plenipotentiary of France, be referred to the said committee.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 4, 1780

Mr. John Collins, a delegate from Rhode Island, attended and took his seat in Congress.

¹ Young's memorial, dated January 21, 1780, is in the *Papers of the Continental Congress*, No. 41, X, folio 711; Safford's letter is in No. 78, XX, folio 495.

² Troup's letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 661; the Board of War's letter is in No. 148, I, folio 55.

³ The Georgia letter is in the *Papers of the Continental Congress*, No. 73, folio 262; Nash's letter is in No. 78, XVII, folio 103.

Congress resumed the consideration of the report of the Board of War, relative to filling up the army, and upon apportioning the quotas of the several states.

A motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [George] Partridge, to strike out the quota of Massachusetts Bay, viz. 6070, in order to reduce it; and on the question, shall that number stand, the yeas and nays being required by Mr. [Elbridge] Gerry,¹

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Folsom,	no	} no	Mr. Searle,	ay	} div.	
<i>Massachusetts Bay,</i>			McLene,	no		
Mr. Gerry,	no	} no	<i>Delaware,</i>			
Lovell,	no		Mr. Van Dyke,	ay	} ay	
Holten,	no		<i>Maryland,</i>			
Partridge,	no		Mr. Forbes,	ay	} *	
<i>Rhode Island,</i>			<i>Virginia,</i>			
Mr. Ellery,	no	} no	Mr. Griffin,	ay	} ay	
Collins,	no		<i>North Carolina,</i>			
<i>Connecticut,</i>			Mr. Penn,	ay	} ay	
Mr. Huntington,	ay	} ay	Burke,	ay		
Sherman,	no		Jones,	ay		
Ellsworth,	ay		<i>South Carolina,</i>			
<i>New York,</i>			Mr. Mathews,	ay	} ay	
Mr. Livingston,	ay	} ay				
L'Hommedieu,	ay					
<i>New Jersey,</i>						
Mr. Fell,	ay	} no				
Houston,	no					
Clark,	no					

So it was resolved in the affirmative.

Some time being spent,

Ordered, That the farther consideration thereof be postponed till to morrow.

¹ The vote was entered by George Bond.

The committee, to whom was re-committed their report on General Greene's letter, respecting Mr. Moore, and the Board of Admiralty, delivered in reports.

The Committee to whom was referred the letter from Gen^l Greene, and the papers respecting the quantity and value of the wood cut on the farm of M^r Stephen Moore at West Point, for the purpose of supplying the Army with wood, and for the erecting of fortifications, beg leave to report, that in the opinion of your Committee it will be for the interest of the United States to purchase the said farm of M^r Stephen Moore, who will agree to sell the same, for a sum of money equivalent to what shall be deemed to have been the value thereof in the year 1774, and a sum equivalent to what shall be deemed to have been the value of two years rent for the said farm; by such persons as Congress shall hereafter appoint for that purpose; provided Congress will advance to him at present forty thousand dollars in part of the purchase money to be paid him for the said farm. If Congress should judge it expedient to purchase the said farm, Your Committee would propose the following resolution, to wit,

Resolved, That whereas Congress have agreed with M^r Stephen Moore for the purchase of his farm at West Point containing 1080 Acres, for the use of the United States, for a sum of money equivalent to what shall be deemed to have been the value of the said farm in the year 1774 and also the value of the rent thereof for two years, by such persons as Congress shall hereafter appoint for that purpose, at which time the said Stephen Moore is to make sufficient conveyances for the said farm to such person or persons as Congress shall direct for the use of the United States, and whereas Congress have agreed to advance to the said Stephen Moore 40,000 dollars in part of the purchase money to be paid him for his said farm, Ordered that the two following warrants issue in his favor for the said sum to wit, One on Michael Hillegas Esq^r Continental Treasurer for ten thousand dollars, and one on Richard Caswell Esq^r Governor of the State of North Carolina for thirty thousand dollars, to be paid out of the monies raised by the said State for the use of the United States, for which the Board of Treasury will take a proper receipt of M^r Moore

binding him to make the conveyance for his said farm agreeable to the foregoing resolution.¹

The Board of Admiralty and Committee of Commerce to whom was referred the consideration of committing the business of the latter to the direction of the Admiralty beg leave to Report.

That from the present very confused State of the Commercial transactions consisting in a variety of complicated accounts to be adjusted with your several agents in Europe, the West Indies and United States, many of which are confusedly blended with the Marine, Navy boards, Commercial Committees &c.

Your Referees are of opinion it will be absolutely necessary that one or more clerks of sufficient capacity with a competent salary be appointed to make a thorough and accurate investigation of all commercial transactions up to the present time, subject to the superintendence of your Admiralty Board. That business completed the Board may be competent to the future direction of Commercial affairs.²

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 5, 1780

A letter, of 24 January, from Mr. P. Schuyler, was read, enclosing a letter of December 7, from Colonel Guy Johnson at Niagara to Mr. Schuyler, and his answer.³

Congress resumed the consideration of the report of the Board of War; and the following paragraphs being severally debated, That for the ensuing campaign, the states be respectively required to furnish by drafts, or otherwise, on or before the first day of April next, their respective deficiencies of the number of 35,211 men, which Congress deem necessary for the service of the present year.

¹ This report, in the writing of Ezra L'Hommedieu, is in the *Papers of the Continental Congress*, No. 19, IV, folio 93.

² This report is in the *Papers of the Continental Congress*, No. 37, folio 183. It is endorsed: "Report of the Board of Admiralty respecting settling accounts and the commercial committee. Delivered February 4, 1780; read."

³ This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 489.

That the quotas of the several states be as follows:

New Hampshire,	1215
Massachusetts Bay,	6070
Rhode Island,	810
Connecticut,	3238
New York,	1620
New Jersey,	1620
Pennsylvania,	4855
Delaware,	405
Maryland,	3238
Virginia,	6070
North Carolina,	3640
South Carolina,	2430, exclusive of blacks.

That all the men whose times of service do not expire before the last day of September next be counted towards the quotas of the states, to which they respectively belong, whether they compose the battalions in the line of the several states, those of the additional corps, including the guards, the artillery and horse, or the regimented artificers in the departments of the quarter master general and commissary general of military stores, who being credited to the States respectively, should be provided for, deemed and treated in the same manner with the men in the several state lines. And it is recommended to the several states to make like provision for the officers and men of the artillery, horse, additional corps, including the guards and regimented artificers, as may be made in pursuance of any resolution of Congress for the officers and men of their respective battalions, with such exceptions respecting the regimented artificers as have been made by Congress in their acts concerning them.

That the Commander in Chief be directed forthwith to transmit to the several states accurate returns of the troops now in service belonging, or credited to their respective quotas, to the intent that immediate measures be taken by

the governments of the states to bring the men to be raised into the field with certainty and expedition.

When the question was about to be taken on the whole, a motion was made by Mr. [Oliver] Ellsworth, seconded by Mr. [Samuel] Holten, that the consideration thereof be postponed; and on the question for postponing, the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay	Mr. Searle,	ay	} ay
Folsom,	ay		Muhlenberg,	no	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Gerry,	ay	} ay	Shippen,	ay	
Lovell,	ay		<i>Delaware,</i>		
Holten,	ay		Mr. Van Dyke,	no	} no
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Forbes,	no	} *
Collins,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	no	} no
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>		
Sherman,	ay		Mr. Penn,	no	} ay
Ellsworth,	ay		Burke,	ay	
<i>New York,</i>			Jones,	ay	
Mr. Livingston,	no	} div.	<i>South Carolina,</i>		
Floyd,	ay		Mr. Mathews,	no	} no
<i>New Jersey,</i>					
Mr. Fell,	no	} ay			
Houston,	ay				
Clark,	ay				

So it was resolved in the affirmative.

A motion was then made by Mr. [Oliver] Ellsworth, seconded by Mr. [Samuel] Holten, that it be resolved,

That the reasonable expence any State hath or may incur, by raising *and having in the continental army*, more than what shall hereafter appear to have been their just proportions *of the troops actually serving in the said army from time to time*, shall be allowed to such states and equitably adjusted in a final settlement of their accounts with the United States.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [Samuel] Holten, to amend the motion, by striking out the words, "and having in the continental army." And also the words, "of the troops actually serving in the said army, from time to time;" and in lieu of the first words, inserting "men for the common defence under the authority of Congress, upon requisition of the Commander in Chief, or any officer commanding a division of the army at detached posts, or departments, or such as shall be by Congress adjudged to have been necessary, or prudently employed to the annoyance of the common enemy, or for the defence of the United States."

A motion was made by Mr. [Robert R.] Livingston, seconded by Mr. [James] Forbes, that the motion and amendment be committed, and on the question for commitment, the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	no	} no
Folsom,	no		Muhlenberg,	no	
<i>Massachusetts,</i>			McLene,	no	
Mr. Gerry,	no	} no	Shippen,	no	
Holten,	no		<i>Delaware,</i>		
<i>Rhode Island,</i>			Mr. Van Dyke,	ay	} ay
Mr. Ellery,	no	} no	<i>Maryland,</i>		
<i>Connecticut,</i>			Mr. Forbes,	ay	} *
Mr. Huntington,	no	<i>Virginia,</i>			
Sherman,	no	} no	Mr. Griffin,	ay	} ay
Ellsworth,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	ay	} no
Mr. Livingston,	ay	} ay	Burke,	no	
Floyd,	ay		Jones,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Fell,	ay	} ay	Mr. Mathews,	ay	} ay
Houston,	ay				
Clark,	no				

So it passed in the negative.

Adjourned to 10 o'Clock on Monday.

MONDAY, FEBRUARY 7, 1780

Mr. Samuel Livermore, a delegate from New Hampshire, attended and produced the credentials of his appointment, which were read, as follows:

State of New Hampshire } In the House of Representatives
January 1st 1780

Voted. That Samuel Livermore Esq^r be and hereby is appointed a Delegate to represent this State in the Hon^{ble} Continental Congress until the first day of March next with all the Powers and Privileges that other Delegates from this State have heretofore had held and enjoyed—provided that neither of the Delegates from this State now at Congress be superceded by this appointment.

Sent up for concurrence

JOHN LANGDON, *Speaker*

In Council the same day read and concurd

E. THOMPSON, *Sec^y*

Copy examin'd

by E. THOMPSON, *Sec^y*¹

In pursuance of a recommendation of Brigadier General Huger, dated April 7, 1779,²

Resolved, That the Rev. Henry Purcell be appointed chaplain to the brigade commanded by the said Brigadier General Huger, and entitled to the emoluments of the said office, from the said 7 day of April, 1779.

A letter, of 20 December, from Mr. H. Laurens; and

One, of 29 November, from the governor of Georgia, were read.³

The committee, appointed to correspond with the commanding officer in the southern department, laid before Congress two letters from Major General B. Lincoln; one

¹ The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*.

² This recommendation is in the *Papers of the Continental Congress*, No. 78, XI, folio 413.

³ This letter is in the *Papers of the Continental Congress*, No. 73, folio 246.

dated, 19, and [the] other, 22 December last, which were read:¹

Ordered, That the former be returned to the committee; and the latter referred to the Board of War and Committee of Intelligence.

A letter, of January 2, from Nathaniel Mumford, was read, signifying his acceptance of the office of commissioner of the chamber of accounts.²

A letter from sundry officers in the hospital department was read:

Ordered, That it be referred to the Board of War, to take order.

A memorial from President Wheelock, of Dartmouth college, was read:³

Ordered, That the same, together with the report of the committee on a memorial from the late Doctor Wheelock, be referred to the Board of War.

A letter, of 4, from Lieutenant Colonel A. White, was read:

Ordered, That it be referred to the Board of War.

A letter, of 5, from Jonas Fay, Moses Robinson and Stephen R. Bradley, was read.⁴

The delegates of Massachusetts Bay laid before Congress their commissions and instructions, which were read, as follows:

STATE OF MASSACHUSETTS BAY:

IN COUNCIL, Dec^r 2^d, 1779.

Whereas the Hon. John Hancock, Samuel Adams, Elbridge Gerry, James Lovell, Samuel Holten, George Partridge and Artemas Ward,

¹ Lincoln's letter of December 22 is in the *Papers of the Continental Congress*, No. 158, folio 309.

² This letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 1.

³ This memorial, dated January 3, 1780, is in the *Papers of the Continental Congress*, No. 41, X, folio 423; the letter from officers in the hospital department, dated February 7, 1780, is in the *Papers of the Continental Congress*, No. 78, XX, folio 499.

⁴ White's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 175; that of Fay, Robinson and Bradley in No. 40, I, 315.

Esq^r are chosen and appointed to represent this State in the American Congress for one Year to Commence the first Day of January next ensuing— Resolved that the abovenamed Gentlemen or any two of them, or when more are present in Congress a Major Part of them be and they are hereby fully empowered, with the Delegates who are or may be appointed from the other American States to concert, direct and order such further measures as shall to them appear best Calculated for the Establishment of the rights Liberty and Independence of the United States of America upon a Basis permanent and secure against the power and art of the British Nation for prosecuting the present War concluding peace Contracting alliances, Establishing Commerce and guarding against any future Encroachments and Machinations of their enemies, with power to adjourn to such times and places as shall appear most Conducive to the public safety and advantage but notwithstanding the above exceptions four of the said Gentlemen at least are enjoined constantly to attend upon the Business of their Delegation.

Sent down for Concurrence

JN^o AVERY D^y Sec^y

In the House of Representatives Dec^r 3^d 1779.

Read and Concurred

JOHN HANCOCK Spk^r.

Consented to by the Major Part of the Council

True Copy

Attest

JOHN AVERY D Sect¹

A representation from Peter Alcott and Bezaleel Woodward, stiling themselves "agents for the greater part of the towns in the northern district of the New Hampshire Grants, on both sides of Connecticut river, and between the heights of land on the two sides", accompanied with a paper, signed "Joseph Marsh, chairman of said convention," purporting to be powers granted them by a convention of members from the towns aforesaid, were read.²

An act of the legislature of the State of New Hampshire was laid before Congress and read, as follows:

¹ The original is in the *Papers of the Continental Congress, Massachusetts, Credentials of Delegates*.

² This representation, dated February 1, 1780, is in the *Papers of the Continental Congress*, No. 40, I, folio 319.

STATE OF NEW HAMPSHIRE:

In the year of our Lord one thousand seven hundred and seventy-nine.

An act for complying with and carrying into effect the recommendations contained in certain resolutions of the Congress of the United States of America, of the 24 of September, and 2d of October, 1779.

Whereas the Congress of the United States of America did, on the 24 day of September last past, unanimously enter into certain resolutions, in the words following, namely, (here the resolutions are entered at full length)

And whereas also the said Congress of the United States of America did, on the 2d of October last, unanimously enter into a certain resolution, in the words following, namely, "whereas in the first resolution of Congress, of the 24th of September," &c. (the whole resolution being recited)

And whereas the afore-recited resolutions and recommendations are founded in equal justice and true policy, and have for their object the establishment of perpetual harmony, friendship and mutual confidence between the states therein named, which it is no less the desire than interest of this state to promote:

Be it therefore enacted, that all the powers and authorities which it is recommended to or requested of this State, in and by the said resolutions, to vest in or grant to the said Congress, shall be and hereby are vested in and granted thereto, as fully and amply as if the same were here again particularly enumerated and described; and that the decisions and determinations which shall be made in the premises, in pursuance of the powers and authorities hereby granted, shall be obligatory on this state, and the people thereof, so far as the said decisions and determinations, or any or either of them, shall respect the same or any part thereof. And further, that this act shall always be construed in a sense most adapted to advance the design, true intent and meaning of the said resolutions.

And be it further enacted by the authority aforesaid, that no advantage shall be taken by this state of the non-performance of any of the conditions in any of the grants of land in the said resolutions referred to; but that further time be given to fulfil the same respectively, to wit, until the expiration of six years, to be computed from the publication of this act.

And be it further enacted, by the authority aforesaid, that Samuel Livermore, Esq. with the delegates of this State at the Continental

Congress, for the time being, or either of them, be and they are hereby fully authorized and empowered to appear as agent or agents for this State, and to represent the same before the said Congress, or any court or commissioners appointed by Congress to hear and determine any or all the disputes aforesaid.

A report from the Board of War was read; Whereupon,

WAR OFFICE. *Feb: 4. 1780*

The Board having considered the letter of Col. Ward, late Comm^r General of Musters, are of opinion that the Officers in his department are justly intitled to the additional subsistence mentioned in his letter and beg leave to report

Resolved, That the commissary general of musters, his deputies and muster masters, be allowed one hundred dollars per month for each detained ration, from the 18 of August last to the 12 of January last, when the department was discontinued, in like manner as officers in the line.¹

Another report from the Board of War was read; Whereupon,

AT A BOARD OF WAR, *Feb: 5th, 1780*

Present M^r Peters, Col Grayson

The Board having considered the letters from Gen^l Washington and Brig^{ad} Gen^l Duportail, beg leave to report.

Resolved, That the officers attached to the companies of sappers and miners be commissioned, and rank as follows:

Mr. Nevin, captain, April 25, 1779. Mr. Bebee, Mr. Murray, Mr. Du Veil, captains; Mr. Gilleland, Mr. Bushnell, Mr. Cleveland, captain lieutenants; Mr. Welsh, lieutenant; August 2, 1779.²

Congress took into consideration the report of the committee, to whom was re-committed their report on General Greene's letter relative to Mr. Stephen Moore, and on the question to agree thereto, the States were equally divided, and the question lost.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 93.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 97.

A motion was then made by Mr. [William Churchill] Houston, seconded by Mr. [John] Penn:

That in part payment for the wood and other supplies, furnished for the use of the United States, from the estate of Stephen Moore, at West Point, a warrant issue on the treasurer, in his favour, for 10,000 dollars, and another on his Excellency Richard Caswell, Esq. governor of the State of North Carolina, in his favour, for 30,000 dollars, being part of the money raised in the said State for the use of the United States; and that the final settlement of his demands be deferred to a future opportunity.

A division being called for, on the question to agree to the first part, for granting ten thousand dollars, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Folsom	ay	Mr. Searle,	ay
Livermore,	ay	Muhlenberg,	ay
<i>Massachusetts Bay,</i>		McLene,	ay
Mr. Gerry,	no	Shippen,	ay
Lovell,	ay	<i>Delaware,</i>	
Holten,	ay	Mr. Van Dyke,	ay
Partridge,	ay	<i>Maryland,</i>	
<i>Rhode Island,</i>		Mr. Plater,	ay
Mr. Collins,	no	Forbes,	no
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Huntington,	ay	Mr. Griffin,	ay
Sherman,	ay	<i>North Carolina,</i>	
Ellsworth,	ay	Mr. Penn,	ay
<i>New York,</i>		Burke,	ay
Mr. Livingston,	ay	Jones,	ay
Floyd,	ay	<i>South Carolina,</i>	
L'Hommedieu,	ay	Mr. Mathews,	ay
<i>New Jersey</i>			
Mr. Fell,	ay		
Houston,	ay		
Clark,	ay		

So it was resolved in the affirmative.

On the question to agree to the second part, the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Folsom,	ay	} ay	Mr. Searle,	ay	} ay
Livermore,	ay		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Gerry,	no	} no	Shippen,	ay	
Lovell,	ay		<i>Delaware,</i>		
Holten,	no		Mr. Van Dyke,	ay	ay
Partridge,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	ay	} div.
Mr. Collins,	ay	ay	Forbes,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	} no	Mr. Griffin,	ay	ay
Sherman,	no		<i>North Carolina,</i>		
Ellsworth,	no		Mr. Penn,	ay	} ay
<i>New York,</i>			Burke,	ay	
Mr. Livingston,	ay	Jones,	ay		
Floyd,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	ay	ay
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Houston,	ay				
Clark,	no				

So it was resolved in the affirmative.

Resolved, That to morrow be assigned for the consideration of the report of the Board of War, for recruiting the army.

Congress proceeded to the consideration of the proceedings of the court martial on the trial of Major General Arnold:

Resolved, That the consideration thereof be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 8, 1780

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of David C. Claypoole, printer to Congress, for ten thousand dollars, for which sum he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. James McLene, one of the delegates for the State of Pennsylvania, on his application, for five thousand dollars, for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. R[oger] Sherman, one of the delegates, for the State of Connecticut, on his application, for five thousand dollars, for which the said State is to be accountable.

~~That a warrant issue on Thomas Smith Esq^r Commissioner of the Continental Loan Office in the State of Pennsylvania for one hundred and eight thousand one hundred and twenty dollars in Loan office Certificates in favour of Peter Whiteside to discharge a note given by the Treasurer to Robert Morriss Esq^r dated 21st of June 1770 for specie borrowed of him in consequence of a Resolution of Congress of the 16th of June last for the use of the Commander in Chief.~~

That a warrant issue on the Treasurer in favor of Francis Gurney Esq^r for the sum of thirty six thousand dollars in payment of the Rent of his house occupied by the President of Congress to the 24 of March Next

That the following warrants issue in favour of Charles Pettit, assistant quarter master general, on account of Major General Greene, quarter master general, and for the use of his department, for which he is to be accountable, viz;

One on Samuel Patterson, Esquire, commissioner of the continental loan office, for the State of Delaware, for eighty thousand dollars.

One on Thomas Harwood, Esquire, commissioner of the continental loan office, for the State of Maryland, for three hundred thousand dollars.

One on his excellency the president and supreme executive council of the State of Pennsylvania, for three hundred

thousand dollars, being part of the monies raised in the said State, for the use of the United States, and

One on Abraham Yates, Junior, Esquire, commissioner of the continental loan office, for the State of New York, for one hundred and fifty thousand dollars.

Ordered, That a warrant issue on the treasurer, in favour of Richard Phillips, steward to the President of Congress, for five thousand dollars, for the use of the President's table, for which the said steward is to be accountable.

That a warrant issue on the treasurer, in favour of George Bond, deputy secretary to Congress, for two thousand dollars, to defray the incidental charges of the Secretary's office; and for which he is to be accountable.

That the Board of Treasury direct Thomas Smith, Esquire, continental loan officer for the State of Pennsylvania, to deliver to Peter Whiteside, or his order, three thousand nine hundred and thirty one Mexican dollars and 35/54 of a dollar, in bills of exchange, drawn upon the honorable John Jay, Esquire, Minister Plenipotentiary of the United States at the Court of Madrid, to discharge a note given by the Treasury to Robert Morris, Esquire, for specie borrowed agreeably to a resolution of Congress of the 16 of June last.¹

Whereas by a resolution of Congress of the 28 of November, 1778, it was provided, that the allowance of the managers, after that time, should be determined at the close of the drawing of the second class of the lottery:

Resolved, That the said managers be respectively allowed 12 dollars per day for their services from the 28 of November, 1778, to the 29 of June 1779, being the time of finishing the drawing as aforesaid; and that their allowance for transacting the business of the third class be determined at the close of the drawing thereof.

¹ A note in the report says: "N. B. If Congress do not think proper to pay Mr. Whiteside in Bills, he would rather chuse to have money than certificates."

The Board on the letter of the 3rd instant from Robert Troup Esq^r Secretary to the Board (referred to them by Congress) beg leave further to report—

That they have considered the said letter and conferred with M^r Troup on the subject of the request made therein. That on enquiry they find some others employed in the Boards of Congress are in similar circumstances with him.

That from this fact a difficulty arises because if the balance mentioned in the letter be remitted, the like will be claimed in other cases and if generally allowed may operate very unequally—

They therefore propose it, be

Resolved, That the balance due from Mr. Troup lie for the present.¹

Resolved, That the resignation of Mr. R. Troup, secretary to the Board of Treasury, be accepted.

A report from the Board of Admiralty was read; Whereupon,

ADMIRALTY OFFICE *Febry. 5. 1780.*

The Board of Admiralty beg leave to Report to Congress.

That the three Resolutions of the 6th May, 1778 directing the mode of constituting Courts of Enquiry and Courts Martial in certain cases, &c. &c. and which expired the 6th May last be revived changing the words Marine Committee into the Board of Admiralty and take effect from the date hereof.

Resolved, That when any ship or vessel of war, in the service of the United States, shall be lost by capture or otherwise, a court of enquiry, consisting of that continental navy board which shall by the Board of Admiralty be directed to proceed therein, or any three persons that such navy board may appoint, be held to enquire into the cause of such loss; and if it shall appear that the same was occasioned by the negligence or misconduct of the captain, or any other commissioned officer belonging to the ship or vessel of war so lost, that then

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folios 65-77. The paragraph relating to Gurney was postponed; that relating to Whiteside was also entered in the manuscript Secret (Domestic) Journal.

a court martial be held for the trial of the officer so offending, to consist of such officers, if conveniently to be collected, as by the rules and regulations of the navy constitute a court martial; otherwise of five such persons as the said navy board shall for that purpose appoint; and if such loss should be by capture, and it shall appear on trial, that the same was occasioned by the cowardice or treachery of the commanding officer, then, and in that case, such commanding officer shall suffer death; and if the loss, whether by capture or otherwise, should be occasioned by any other misconduct, such commanding officer shall be, by such court martial, cashiered:

That when two or more ships or vessels of war, in the service of these states, are in company, and any or either of them shall be lost by capture or otherwise, a court of enquiry, so constituted as aforesaid, shall be held to enquire into the causes thereof; and if it should appear that such loss was occasioned by the misconduct or negligence of any captain or commanding officer of any other ship or vessel in company as aforesaid, then a court martial, constituted as before mentioned, shall be held for the trial of the officer so offending; and if the loss should be by capture, and it should appear on trial, that such capture was occasioned by the cowardice or treachery of such captain or commanding officer, by withholding his assistance from the ship or vessel of war so captured, then, and in that case, such captain or commanding officer shall suffer death; but if it shall appear that the loss happened through any other misconduct of such captain or commanding officer, then he shall be, by such court martial, cashiered:

That if, upon enquiry as aforesaid, into the conduct of any officer or officers in the service of these states, it shall appear that they, or any of them, shall have offended in any instance mentioned in these resolutions, it shall be in the power of the navy board to suspend such officer or officers, until a trial by

court martial shall be had; and the navy board shall forthwith transmit to the Board of Admiralty the proceedings of such court of enquiry, with their doings in consequence thereof, and to Congress all the proceedings of courts martial, when any shall be had, previous to the execution of any capital sentence that shall be by such court martial awarded; to the end that Congress may extend their mercy to such offenders as they may judge to be proper objects thereof.

Resolved, That the Board of Admiralty order a court of enquiry to be instituted agreeably to the foregoing resolution, to enquire into the cause of the loss of the continental sloop *Fly*, lately commanded by Captain James Robinson.¹

On the question to agree to the last resolution, the yeas and nays being required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Peabody,	no	} no	Mr. Muhlenberg,	no	} ay	
Folsom,	no		McLene,	ay		
Livermore,	no		Shippen,	ay		
<i>Massachusetts Bay,</i>			<i>Delaware,</i>			
Mr. Gerry,	ay	} no	Mr. Van Dyke,	ay	} ay	
Holten,	no		McKean,	ay		
Partridge,	no					
<i>Rhode Island,</i>			<i>Maryland,</i>			
Mr. Ellery,	ay	} ay	Mr. Plater,	ay	} ay	
			Forbes,	ay		
<i>Connecticut,</i>			<i>Virginia,</i>			
Mr. Huntington,	no	} ay	Mr. Griffin,	ay	} ay	
Sherman,	ay					
Ellsworth,	ay					
<i>New York,</i>			<i>North Carolina,</i>			
Mr. Floyd,	ay	} ay	Mr. Penn,	ay	} ay	
L'Hommedieu,	ay		Burke,	ay		
			Jones,	ay		
<i>New Jersey,</i>			<i>South Carolina,</i>			
Mr. Fell,	no	} no	Mr. Mathews,	no	} no	
Houston,	no					
Clark,	ay					

¹This report is in the *Papers of the Continental Congress*, No. 37, folio 187.

So it was resolved in the affirmative.

A petition of the corporation of the public grammar school, or academy, of the borough of Wilmington, in the Delaware State, was read, praying a compensation for the damages done to their public school:¹

Ordered, That it be referred to the Board of Treasury, there to be filed with papers of a similar nature.

According to order, Congress proceeded to the consideration of the report of the Board of War; when

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Nathaniel] Folsom, that the consideration thereof be postponed; and on the question for postponing, the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay	Mr. Muhlenberg,	no	} div.
Folsom,	ay		McLene,	ay	
Livermore,	ay		<i>Delaware,</i>		
<i>Massachusetts,</i>			Mr. McKean,	no	} no
Mr. Gerry,	ay	} ay	<i>Maryland,</i>		
Holten,	ay		Mr. Plater,	no	} no
Partridge,	ay		Forbes,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} div.	Mr. Griffin,	no	} no
Collins,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Penn,	no	} div.
Mr. Huntington,	ay	} ay	Burke,	ay	
Sherman,	ay		<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	no	} no
<i>New York,</i>					
Mr. Floyd,	no	} no			
L'Hommedieu,	no				
<i>New Jersey,</i>					
Mr. Fell,	no	} ay			
Houston,	ay				
Clark,	ay				

¹ This petition, dated February 5, 1780, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 187.

So it passed in the negative.

After farther debate,

ADMIRALTY OFFICE *Feby. 1780.*

The Board to whom was referred a motion of Congress relative to the adopting a proper mode for bringing their several agents to a speedy settlement of their accounts beg leave to report.

That whereas little regard has hitherto been paid to the repeated applications made by the Marine and Commercial Committees, and this Board to the Respective Agents for the aforesaid purposes. It is therefore resolved—

That Mr William Denning and Mr John Brown Secretary to the Admiralty be appointed Commissioners with full powers for settling the accounts of all continental agents within the United States as also of the Navy Commissioners, ~~in the Eastern department~~ receive the balances due thereon, lodge the money with the loan officers of the respective States taking their duplicate receipts for the same, and transmit one to the Treasury Board.

That the Commissioners be empowered to demand and receive from the several agents and Commissioners of the Navy aforesaid all such articles of public property as may be in their custody, remove the same to, and dispose thereof at, such places as may be deemed most advantageous to the public, remit the money arising from such sales to the Board of Treasury, subject nevertheless to such joint instructions as the Commissioners shall from time to time receive from Congress the Boards of War and Admiralty and commercial committee.

That the Commissioners pay be during their continuance on this service together with all reasonable expences.

That the Executive powers in the respective States be requested to give the Commissioners every necessary assistance and support in the execution of their Commission.¹

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 9, 1780

A letter, of this day, from the Board of War, was read, respecting the appointment of Mr. S. Hodgdon, deputy commissary general of military stores:²

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 189.

² This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 59.

Ordered, That it be referred to the Board of War, to report.

A letter, of the 8, from W. Paca, was read, signifying his acceptance of the office of judge of the Court of Appeals.¹

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. [Thomas] Burke, one of the delegates for the State of North Carolina, on his application, for ten thousand dollars, for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. N[athaniel] Folsom, one of the delegates for the State of New Hampshire, on his application, for five thousand dollars, for which the said State is to be accountable.

That on the application of the Medical Committee, a warrant issue on the treasurer, in favour of Jonathan Potts, purveyor general in the middle district, for sixty thousand dollars, to defray the necessary expences of the department; and for which sum he is to be accountable.²

The committee for estimating supplies brought in a report, which was read:

The Committee appointed to consider of proper salaries for the purchasing Commissaries and for regulating the department of Com^r and Q^r. Master Gen^l, humbly submit the following resolutions which require more immediate dispatch, and pray leave to sit again.

Whereas, the difficulty of procuring supplies for the Army without the interposition of the Legislatures of the several States renders it absolutely necessary at present to call upon such of them as are in its vicinity for their aid, without which it will be impossible to keep the Troops in the field or to reduce the prices of the articles furnished to the publick to that equality which common justice to those who have hitherto procured them at the lowest rate requires.

¹ This letter is in the *Papers of the Continental Congress*, No. 59, III, folio 23.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 79.

~~Resolved, That a committee be appointed to confer with the Legislatures.~~

Resolved, That the Legislature of the State of Virginia be requested to furnish to the army of the United States on or before the first day of April next ~~twenty five thousand barrels of flour and~~, twenty thousand barrels of Indian Corn, and transport them to such places within the said State as the Com^r Gen^l shall direct.

Resolved, That a similar requisition be made from the State of Maryland, for five thousand barrels of flour in addition to the fifteen thousand barrels before required of them, and five thousand barrels Indian Corn.

Resolved, That ~~a like quantity~~ fifty thousand barrels of flour or wheat in proportion be requested from the state of Pennsylvania.

Resolved, That ten thousand barrels of flour or wheat in proportion heretofore requested from the State of Delaware, by the committee of Congress be furnished *as soon as may be*.

Resolved, That eight thousand barrels of flour be requested from the state of New Jersey part of which to be furnished as soon as possible to answer the immediate demands of the army.

Resolved, that eight thousand barrels of flour be requested from the State of Connecticut.

And whereas Congress have recommended to the several States in the union the regulation of all articles the growth of the country
Postponed
 at twenty for one upon the price given in the year 1774, which regulation they confide will be faithfully executed, and whereas they are willing to afford the highest encouragement to such States as comply with the above Resolves, Therefore—

Resolved, That every State furnishing the articles above required shall have credit therefor on their quota of taxes at the rate of twenty per cent above the regulated prices and in like manner for all expences of transportation thereon

Resolved that if by any unforeseen means the said regulation should not be carried into effect, the States furnishing the articles above
Postponed
 required at the lowest prices shall have credit on their quota of taxes, for the average prices at which the same shall have been furnished by other States and the States demanding the highest price shall be charged with such excess beyond the average price.

Resolved, That a Committee be appointed to confer with His Excellency the President and Supreme Executive Council of the State of Pennsylvania ~~about convening the Legislature of this State as soon as possible~~ in order to their carrying into execution the above resolves.

Resolved, That letters be written to the several States mentioned in the above resolutions requesting them immediately to proceed thereon.

Resolved, That a Committee be appointed to proceed to Mount Holly where the Legislature of the State of New Jersey ~~are now convened~~, to confer with them about the most speedy and effectual means of carrying the above resolutions so far as it affects that State into execution.¹

¹This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 26, folio 125. It is endorsed by Thomson: "Part passed." In this connection the following motion, in the writing of Thomas Burke and without date, is in the *Papers of the Continental Congress*, No. 26, folio 129.

That a generous ["reasonable" is also written in another hand] price be allowed and credited to the respective states for all such supplies as they shall hereafter furnish for the army, before the first day of February next, to be hereafter averaged and adjusted in such a manner as that equal justice be done to each of the United States.

The following, in the writing of Roger Sherman, is on folio 133:

Whereas, it is necessary that the several States called upon to furnish supplies for the army should be so credited therefor as that ~~impartial~~ equal justice may take place.

And whereas, some flour and other articles of provision are immediately wanted

~~*Resolved*, That all articles of provisions that shall be furnished for the use of the army before the first day of February next by any of the States, shall be credited toward their respective quotas of the monies ordered to be raised for the United States, at ten per cent. above the prices recommended by Congress to be limited by laws of the several States to take effect from that time. And all supplies that shall be furnished after said first day of February shall be credited to said States at the said limited prices.~~

And the accounts shall be finally compared and adjusted so as to do equity to all the States, with respect to the supplies they shall have furnished for the United States.

In the same hand on folio 135 is the following:

Resolved, That all the States shall be called upon for their quotas of such supplies for carrying on the war as they can *best* furnish, for which proportionate prices will be allowed.

And the accounts shall be finally compared and adjusted so as to do ~~justice~~ equity to all the states with respect to the supplies they shall have furnished for the United States.

Ordered, That to morrow be assigned for the consideration thereof.

The Board of War brought in a farther report on the subject of recruiting the army;

Ordered, That the consideration thereof be postponed.

Congress resumed the consideration of the motion made on Saturday by Mr. [Oliver] Ellsworth, and the amendment moved thereto by Mr. [Thomas] Burke. And on the question, shall the words moved to be struck out stand? the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Peabody,	no	} ay	Mr. Searle,	ay	} ay	
Folsom,	ay		Muhlenberg,	ay		
Livermore,	ay		McLene,	ay		
<i>Massachusetts,</i>			Shippen,	ay		
Mr. Gerry,	ay	} ay	<i>Delaware,</i>			
Holten,	ay		Mr. Van Dyke,	ay	} ay	
Partridge,	ay		<i>Maryland,</i>			
<i>Rhode Island,</i>			Mr. Plater,	ay	} ay	
Mr. Ellery,	ay	} ay	Forbes,	ay		
Collins,	ay		<i>Virginia,</i>			
<i>Connecticut,</i>			Mr. Griffin,	no	} no	
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>			
Sherman,	ay		Mr. Penn,	no	} no	
Ellsworth,	ay		Burke,	no		
<i>New York,</i>			Jones,	no		
Mr. Livingston,	ay	} ay	<i>South Carolina,</i>			
Floyd,	ay		Mr. Mathews,	no	} no	
L'Hommedieu,	ay					
<i>New Jersey,</i>						
Mr. Fell,	no	} no				
Houston,	no					
Clark,	no					

So it was resolved in the affirmative.

An amendment was moved by Mr. [Robert R.] Livingston, seconded by Mr. ~~Holten~~, [William] Ellery, to add the words,

"Which number shall be estimated by the particular circumstances of the State at the time such troops are levied."

And on the question to agree to that amendment, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Peabody,	no	} no	Mr. Searle,	no	} no	
Folsom,	no		Muhlenberg,	ay		
Livermore,	no		McLene,	no		
<i>Massachusetts,</i>			<i>Delaware,</i>			
Mr. Gerry,	no	} no	Mr. Van Dyke,	no	} no	
Holten,	no		McKean,	no		
Partridge,	no					
<i>Rhode Island,</i>			<i>Maryland,</i>			
Mr. Ellery,	ay	} ay	Mr. Plater,	no	} no	
Collins,	ay		Forbes,	no		
<i>Connecticut,</i>			<i>Virginia,</i>			
Mr. Huntington,	ay	} no	Mr. Griffin,	ay	} ay	
Sherman,	no		<i>North Carolina,</i>			
Ellsworth,	no			Mr. Burke,	no	} no
<i>New York,</i>			Jones,	no		
Mr. Livingston,	ay	} ay	<i>South Carolina,</i>			
Floyd,	ay		Mr. Mathews,	no	} no	
L'Hommedieu,	ay					
<i>New Jersey,</i>						
Mr. Fell,	ay	} ay				
Houston,	ay					
Clark,	no					

So it passed in the negative.

When the question was about to be put on the main question, the previous question was moved by Mr. [Thomas] McKean, seconded by Mr. [Thomas] Burke; on which the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Massachusetts,</i>		
Mr. Peabody,	no	} no	Mr. Gerry,	no	} no
Folsom,	no		Holten,	no	
Livermore,	no		Partridge,	no	

<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	no	} no	Mr. Van Dyke,	ay	} ay
Collins,	no		McKean,	ay	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Huntington,	no	} no	Mr. Plater,	ay	} ay
Sherman,	no		Forbes,	ay	
Ellsworth,	no		<i>Virginia,</i>		
<i>New York,</i>			Mr. Griffin,	no	} no
Mr. Livingston,	ay	} ay	<i>North Carolina,</i>		
Floyd,	ay		Mr. Penn,	ay	} ay
L'Hommedieu,	ay		Burke,	ay	
<i>New Jersey,</i>			Jones,	ay	
Mr. Fell,	ay	} div.	<i>South Carolina,</i>		
Clark,	no		Mr. Mathews,	ay	} ay
<i>Pennsylvania,</i>					
Mr. Searle,	no	} no			
Muhlenberg,	no				
McLene,	no				

So it passed in the negative;

On the question, to agree to the main question; the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Peabody,	ay	} ay	Mr. Livingston,	no	} no
Folsom,	ay		Floyd,	no	
Livermore,	ay		L'Hommedieu,	no	
<i>Massachusetts Bay,</i>			<i>New Jersey,</i>		
Mr. Gerry,	ay	} ay	Mr. Fell,	no	} ay
Holten,	ay		Houston,	ay	
Partridge,	ay		Clark,	ay	
<i>Rhode Island,</i>			<i>Pennsylvania,</i>		
Mr. Ellery,	ay	} ay	Mr. Searle,	ay	} ay
Collins,	ay		Muhlenberg,	ay	
<i>Connecticut,</i>			McLene,	ay	
Mr. Huntington,	ay	} ay	<i>Delaware,</i>		
Sherman,	ay		Mr. Van Dyke,	no	} no
Ellsworth,	ay		McKean,	no	

<i>Maryland,</i>			<i>South Carolina,</i>	
Mr. Plater,	no	} no	Mr. Mathews,	no
Forbes,	no			
<i>Virginia,</i>				
Mr. Griffin,	ay	} ay		
<i>North Carolina,</i>				
Mr. Penn,	no	} no		
Burke,	no			
Jones,	no			

So it was

Resolved, That the reasonable expence any State hath incurred, or may incur, by raising and having in the continental army more than what shall hereafter appear to have been their just proportion of the troops actually serving in the said army from time to time, shall be allowed to such states, and equitably adjusted in a final settlement of their accounts with the United States.

The order of the day was called for, to take a vote upon the report of the Board of War, which was debated by paragraphs. And on the question to agree to the whole, as amended, the yeas and nays being required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>New York,</i>	
Mr. Peabody,	no	} ay	Mr. Floyd,	ay
Folsom,	ay		L'Hommedieu,	ay
Livermore,	ay			
<i>Massachusetts,</i>			<i>New Jersey,</i>	
Mr. Gerry,	no	} ay	Mr. Fell,	ay
Holten,	ay		Houston,	no
Partridge,	ay		Clark,	ay
<i>Rhode Island,</i>			<i>Pennsylvania,</i>	
Mr. Ellery,	ay	} ay	Mr. Searle,	ay
Collins,	ay		Muhlenberg,	ay
<i>Connecticut,</i>			McLene,	ay
Mr. Huntington,	ay	} ay	<i>Delaware,</i>	
Sherman,	ay		Mr. Van Dyke,	ay
Ellsworth,	ay		McKean,	ay

<i>Maryland,</i>			<i>South Carolina,</i>	
Mr. Plater,	ay	} ay	Mr. Mathews,	ay
Forbes,	ay			ay
<i>North Carolina,</i>				
Mr. Penn,	no	} ay		
Burke,	ay			
Jones,	ay			

So it was

*Resolved,*¹ That for the ensuing campaign the states be respectively required to furnish, by draughts or otherwise, on or before the first day of April next, their respective deficiencies of the number of 35,211 men, exclusive of commissioned officers, which Congress deem necessary for the service of the present year:

That the quotas of the several states be as follows:

New Hampshire, - - -	1215	Delaware, - - - - -	405
Massachusetts Bay, - -	6070	Maryland, - - - - -	3238
Rhode Island, - - - -	810	Virginia, - - - - -	6070
Connecticut, - - - - -	3238	North Carolina, - - - -	3640
New York, - - - - -	1620	South Carolina, - - - -	2430
New Jersey, - - - - -	1620	[exclusive of blacks.	
Pennsylvania, - - - -	4855		

That all the men whose times of service do not expire before the last date of September next, be counted towards the quotas of the states to which they respectively belong, whether they compose the battalions in the line of the several states, those of the additional corps, including the guards, the artillery and horse, or the regimented artificers in the departments of the quarter master general and commissary general of military stores, who being credited to the states respectively, should be provided for, deemed and treated in the same manner with the men in the several state lines; and it is recommended to the several states to make like provision

¹ The entries for the balance of this day are in the hand of George Bond.

for the officers and men of the artillery, horse, additional corps, including the guards and regimented artificers, as may be made in pursuance of any resolution of Congress, for the officers and men of their respective battalions; with such exceptions, respecting the regimented artificers, as have been made by Congress in their acts concerning them:

That the Commander in Chief be directed forthwith to transmit to the several states accurate returns of the troops now in service, belonging or credited to their respective quotas; to the intent that immediate measures be taken by the governments of the states; to bring the men to be raised into the field, with certainty and expedition.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 10, 1780

A letter, of 5, from General Washington, enclosing one, of the same date from Colonel Armand;

Also a letter, of 9, from Colonel Armand, were read; Whereupon,¹

Resolved, That Congress entertain a high sense of the merit and services of Colonel Armand, and that his application for leave of absence for six months after the end of the next campaign be complied with.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [Nathaniel] Peabody, which being amended to read,

"That an account be made of all the militia that have been or shall be furnished by the respective states for the common defence, under the immediate requisitions of Congress, of the Commander in Chief, or of any general officer commanding in a separate department, or which Congress shall judge to have been requisite for the defence of the United States, or any of them; in which account, the time of service shall be

¹ Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 393; Armand's on folio 397; Armand's of the 9th is in No. 164, folio 404.

particularly stated, and the reasonable expence of raising, equipping and maintaining the said militia shall be averaged and divided among the United States, in like manner as the other expences of the war."

On the question to agree to this, the yeas and nays being required by Mr. [James] Forbes,

<i>New Hampshire;</i>			<i>Pennsylvania,</i>				
Mr. Peabody,	ay	} ay	Mr. Searle,	ay	} ay		
Folsom,	ay		Muhlenberg,	ay			
Livermore,	ay		McLene,	ay			
<i>Massachusetts Bay,</i>			<i>Delaware,</i>				
Mr. Gerry,	ay	} ay	Mr. Van Dyke,	no	} no		
Lovell,	ay		<i>Maryland,</i>				
Holten,	ay		Mr. Plater,	no			
Partridge,	ay		Forbes,	no			
<i>Rhode Island,</i>			<i>Virginia,</i>				
Mr. Ellery,	no	} no	Mr. Griffin,	no	} no		
<i>Connecticut,</i>			<i>North Carolina,</i>				
Mr. Huntington,	no		Mr. Penn,	ay			
	Sherman,	ay	} ay	Burke,	ay		
	Ellsworth,	ay		Jones,	ay		
<i>New York,</i>			<i>South Carolina,</i>				
Mr. Livingston,	no	} no	Mr. Mathews,	no	} no		
Floyd,	no						
L'Hommedieu,	no						
<i>New Jersey,</i>							
Mr. Fell,	no	} ay					
Houston,	ay						
Clark,	ay						

So the states were equally divided and the question lost.

The committee, to whom was referred on the 7th December last, a letter from Captain William Burke, of the ship *Henry*, lately stranded on the coast of New Jersey, to take order, report "that in consequence of their appointment, they empowered persons to save the property of the United States

from on board the said ship, and to transport the same to this city, where it is now stored." Whereupon,

Ordered, That the said committee cause the goods to be delivered to the order of the Board of Admiralty, and that the said Board have the same sold, excepting ten pipes wine reserved for public use, and the proceeds paid into the treasury; and that they settle with the owners respecting the freight.

According to order, Congress proceeded to the consideration of the proceedings of the court martial on the trial of Major General Arnold, and some time being spent in reading the same,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, FEBRUARY 11, 1780

A letter, of 9, from the Board of War, was read, informing that they had appointed Samuel Hodgdon, the principal field commissary of military stores, to be deputy commissary general of military stores, and proposing that his pay should be twelve hundred and fifty dollars per month; Whereupon,

Resolved, That the pay of Samuel Hodgdon, deputy commissary general of military stores, be twelve hundred and fifty dollars per month, until the further order of Congress.¹

The Board of War, to whom was referred the letter from General Washington, on the subject of the extra allowances to be made to Colonel Bland while on command at the post at Charlotteville, brought in a report; Whereupon,

AT A BOARD OF WAR, Feb: 9. 1780

Present Col. Pickering M^r Peters Col Grayson

The Board having taken into consideration the letter from Gen^l Washington on the subject of the extra allowances to be made to Col Bland while on command at the Post at Charlotteville and beg leave to refer to a former report relative thereto, which has not to

¹This letter is in the *Papers of the Continental Congress*, No. 147, IV, folio 129.

their knowledge been passed upon by Congress, and which will comprehend the case of the present Commanding Officer. Copy whereof they have the honor to transmit, and thereunto would beg leave to subjoin, as it is necessary that a retrospect should be had to the supplies received by Col. Bland.

Resolved, That the executive power of the State of Virginia be authorised to examine the accounts of the deputy commissary general of purchases and issues, against Colonel Bland, for articles supplied for his use while in command at the post of Charlottesville, and to make such allowances in his favour as they shall deem just and proper; and that Colonel Bland be discharged from payment of the monies charged against him for all articles which, in the opinion of the said executive, he should have been allowed, from the peculiar situation of his command.¹

A motion being made to empower Major General Lincoln to draw for money on the governor of South Carolina,

Ordered, That it be referred to the Board of Treasury, to report a proper resolution.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Francis Hopkinson, treasurer of loans, for one thousand nine hundred and forty eight dollars and thirty ninetieths of a dollar, in full of his charge for office rent and fire wood for the commissioners appointed to destroy the emissions of May 20th, 1777, and April 11, 1778, from the first day of May, 1779, to the first day of February, 1780.

That a warrant issue on the treasurer, in favour of Mr. S[amuel] Holten, one of the delegates for the State of Massachusetts Bay, on his application, for five thousand dollars; for which the said State is to be accountable.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 125.

That a warrant issue on the treasurer, in favour of the delegates for the State of Massachusetts Bay, for eight hundred dollars, for the use of that State, which is to be accountable.

That a warrant issue on the treasurer, in favour of Jonathan Burrall, on account of William Palfrey, paymaster general, for five hundred thousand dollars, to be by him transmitted to John Pierce, deputy paymaster general to the main army, for the use of the department; and for which the said deputy paymaster general is to be accountable.

The Board having considered the Letter from the Board of War of the 3^d instant referred to them by Congress requiring an immediate supply of two million six hundred and forty eight thousand dollars in favor of the Pay Master to the Board of War and Ordnance for the purposes of making purchases to supply the deficiencies of cloathing in the Continental Army think it necessary to report to Congress the state of the Treasury that the Board may receive such instructions as Congress may judge proper.

This Board have now before them the return of Michael Hillegas Esq^r Treasurer up to the 5th of the present month by which it appears there was then in the Treasury two million three hundred thousand dollars, which sum has been greatly diminished by warrants on the Treasury since that date. So that there is not at this time in the Treasury more than One million two hundred thousand dollars.¹

The committee, to whom were referred the letters from the governor and speaker of the house of assembly of the State of Georgia, and the resolves of the said assembly, brought in a report; Whereupon,

Resolved, That Congress highly applaud the unremitting exertions of the State of Georgia, and the zeal and firmness expressed through the governor and speaker of the house of representatives manifested by them under all their difficulties; and that the State of Georgia may be assured no

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 81.

endeavours will be wanting on the part of Congress to promote her interests.¹

Resolved, That the quota of continental troops of the State of Georgia be, the ensuing campaign, one battalion of infantry and one regiment of horse.

Resolved, That Congress approve the plan adopted by the State of Georgia for reducing the four regiments of that State into one, for officering the same, and also the regiment of cavalry.

Resolved, That such officers as cannot be employed in the line of that State be deemed supernumeraries, and entitled to every privilege with officers in like situation.

Resolved, That the President inform the governor of the State of Georgia that a general exchange of prisoners is now negotiating, and due regard will undoubtedly be paid to Colonel Elbert.

Resolved, That notwithstanding the high sense Congress entertain of the merit of Colonel Elbert, Congress cannot at present promote him to the rank of a brigadier general in the continental army, as such promotion would be productive of great confusion and discontent in the line of the army.

~~*Resolved*, that Genl Lincoln be directed to employ Gen^l McIntosh in the State of South Carolina, or elsewhere out of the State of Georgia~~

Resolved that a warrant issue on the Treasury in favour of the Governor and executive council of the State of Georgia for 1,000,000 dollars for which the said State is to be accountable.

Ordered, That the resolution respecting the exchange of Colonel Elbert, be transmitted to General Washington.²

¹ An indorsement on the report says: "Query: is not the Preamble too florid for such a body as Congress?" and the following is added in another hand: "That Congress contemplates the spirited exertions of the State of Georgia with great satisfaction, and that they may be assured, &c., following the report."

² This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 20, II, folio 441.

Ordered, That so much of the report as relates to an advance of money to the State of Georgia, and the application of Captain Nash, for an advance of six thousand dollars, be referred to the Board of Treasury.¹

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *Feb'y 9, 1780*

Present Col^o Pickering, M^r Peters, Col^o Grayson

The Board beg leave to lay before Congress the inclosed petition of Christian Mancke with Colonel Armand's certificate concerning him. He was a Lieu^t and Adjutant in Ottendorfs corps, afterwards commanded by Col^o Armand, and appeared to be a diligent and attentive officer. That Corps being reduced to a very small number, and having a surplus of officers, M^r Mancke quitted it, and accepted a Lieutenantcy in Van Heers corps of Marechausseurs (or the provost) and served the last campaign, but being by the expenses unavoidable to an officer, and the smallness of his pay, reduced as he says, to poverty after spending considerable sums of his own money, he was compelled to resign, being unable to subsist in the service. He now requests only the moderate sum of one thousand dollars to purchase a little clothing and enable him to get to S^t Eustatia where he may find the means of returning to his own country. The Board having considered his case, beg leave to report

Ordered, That one thousand dollars be granted to Christian Mancke, late lieutenant in the army of the United States, in which he served three campaigns, towards defraying the expences of his voyage home to Europe.²

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 12, 1780

A letter, of 8th, from General Washington, was read.³

A letter from General Lee was read, in the words following,

¹ A copy of the resolve authorizing the advance of a million dollars to Georgia, is in the *Papers of the Continental Congress*, No. 136, IV, folio 89. It is endorsed: "Referred to Board of Treasury. Passed Feb'y. 12, 1780."

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 115.

³ This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 401.

BERKELEY COUNTY, *January the 30, 1780.*

SIR,

I have this day received your letter with my dismissal from the service of the United States, nor can I complain of it as an act of injustice. The greatest respect is indisputably due to every public body of men and above all, to those who are the representatives, and at the same time, the legislature of a free people, and I ingenuously confess that the note which I dictated was so far from being dressed in terms properly respectful, that they were highly improper, disrespectful and even contumacious. But altho I do not mean to justify the measure, I flatter myself that I shall be able to extenuate the offensiveness, by relating the circumstances which gave birth to it. I, unfortunately, Sir, received letters from two friends, whose zeal for my service seems to have been greater than their intelligence was authentic, informing me that the same men, who by art and management had brought about in a thin house, the confirmation of the absurd and iniquitous sentence of the court martial, were determined to pursue the matter still further, and on the pretence of œconomy to make a motion for the final removal of me from the army as an encumbrance. It happened that at the very moment these letters came to my hands, I was very much indisposed, so much as not to be able to write myself, and at the same time, my horses were at the door to carry me down the country, where business called me. The bodily pain I was in, joined to the misinformation I received, ruffled my temper beyond all bounds, and the necessity of setting out immediately prevented me giving myself time to consider of the propriety, or impropriety, of what I was about. And thus, these two circumstances concurring gave birth to the note which I dictated, which no man can more sincerely reprobate than I do myself, and for which I most sincerely beg pardon of the Congress. But, Sir, I must entreat that in thus acknowledging the impropriety and indecorum of my conduct in this affair, it may not be supposed that I mean to court a restoration to the rank I held. So far from it, that I do assure 'em, had not this incident fallen out, I should have requested Congress to have accepted of my resignation, as from obvious reasons, whilst the army is continued in its present circumstances, I could not have served with safety and dignity. My present acknowledgments therefore of the impropriety and indecorum of the measure, I suffered myself to be hurried into, and my submission without a complaint, to the

consequent decision of Congress, will, I hope, be attributed to the real motive, the conviction of having really done wrong. I shall now, Sir, conclude with sincerely wishing that Congress may find many servants ready to make as great sacrifices, as I have made, and possessed with the same degree of zeal for their service, as has from the beginning governed all my actions, but with the good fortune never by one act of imprudence to incur their displeasure, and I can without arrogance assert on self examination, that this is the only step, in the whole line of my conduct, which could justly furnish matter of offence to that honourable body. I am, Sir, with the greatest respect

Yr most obedient humble servt

CHARLES LEE.

His Excellency, the President of Congress.¹

A report of the Board of War was read, respecting Major Lee's corps:

AT A BOARD OF WAR Feb: 12. 1780

Present Col. Pickering, Mr Peters Col Grayson

The Baron Steuben having certified to the Board that in his judgement an augmentation of the Infantry of Major Lee's Corps will enable the major to operate in the line of duty prescribed to him with more safety and effect; and that as the Corps is already formed on the legionary plan, it is essential to its perfection, that the number of infantry be at least equal to that of the cavalry; a system on which it would in the opinion of the Board be proper to form all the cavalry in the service of the United States, and it being alledged that men can be easily procured to serve in the Corps, and which being a Corps out of the line will not affect the arrangement thereof Agreed

That recruiting money be furnished Major Lee to enable him to enlist seventy privates to serve as dismounted dragoons in addition to those now in the Corps, the whole to be formed into three troops.²

Ordered, That it be referred to the Commander in Chief.

The Board of Treasury, to whom was referred a motion, relative to the supply of money to the southern department, brought in a report; Whereupon,

¹ This letter is in the *Papers of the Continental Congress*, No. 158, folio 147.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 141.

That though the highest confidence is deservedly placed in the Officer now Commanding in Chief in that Department, and there is not the least objection on account of risque, to vest him with the power proposed, yet as a precedent will thereby be established which may operate disadvantageously hereafter, and it is altogether uncertain how long any particular Officer may command there, and moreover being doubtful whether subjecting the Governor to the Drafts of any such Officer would be well received they are of opinion it would be preferable to take proper conveyances as they occur and draw orders on the Governor in the usual way—They therefore propose it be resolved

That on the application of Jonathan Burrall Assis¹ to Col^o Palfrey Pay Mast^r Gen^l a warrant issue in his favor on his Excellency John Rutledge Esq^r Governor of the State of South Carolina for one million of dollars being part of the monies raised in the said State for the use of the United States to be transmitted to Joseph Clay Esq^r D^r Pay Master Gen^l in the Southern Department for the supply of the military chest there and for which the said D^r Pay Master Gen^l is to be accountable.

~~Resolved, That the commanding officer in the southern department be authorised to draw on the Governor of the State of South Carolina.¹~~

Resolved, That the governor and privy council of the State of South Carolina be requested to advance, from time to time, to the military chest, such sums of money, being part of the taxes raised in the said State, for the use of the United States, as they, on consulting the commanding officer in the southern department, may find necessary for the public service there, advising the Board of Treasury thereof: and that, on receipt of the documents shewing such payments respectively, the said Board credit the State with the same, from the dates when they were severally made, according to the resolution of Congress of 6th October last.

The Board of Treasury, to whom was referred the extract from the report of the committee, relative to an advance of

¹ The next paragraph is in the hand of George Bond.

money to the State of Georgia, brought in a report; Whereupon,

Ordered, That on the application of the governor and executive council of the State of Georgia, a warrant issue in their favour, on George Webb, treasurer, of the State of Virginia, for three hundred thousand dollars, being part of the monies raised in the said State, for the use of the United States, and that the Board of War take proper measures for the safe conveyance thereof to the Governor and council of the said State.

That a warrant issue on the treasurer, in favour of John Foster, on account of Captain Clement Nash, charged with dispatches to Congress from the executive of the State of Georgia, for six thousand dollars, for which the said State is to be accountable, and that the said executive be furnished with a copy of this order.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. W[illiam] Floyd, one of the delegates for the State of New York, on his application, for six thousand dollars, for which the said State is to be accountable.¹

Congress resumed the consideration of the proceedings of the court martial on the trial of Major General Arnold, and the same being gone through;

A motion was made by Mr. [James] Forbes, seconded by Mr. [Allen] Jones, that the sentence of the court be confirmed, on which the yeas and nays were required by Mr. [James] McLene,²

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folios 85-87.

² At this point Thomson began to enter the proceedings of the court martial, but, after filling twenty-four pages of the Journal, he stoppod, and drew his pen through them. As only a small part of the proceedings were thus copied, I have not included it in this edition.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay ¹	Mr. Muhlenberg,	ay	} ay
Folsom,	ay		McLene,	ay	
Livermore,	ay		<i>Delaware,</i>		
<i>Massachusetts Bay,</i>			Mr. McKean,	ay	} ay
Mr. Holten,	ay	} ay	<i>Maryland,</i>		
Partridge,	ay		Mr. Plater,	ay	} ay
<i>Rhode Island,</i>			Forbes,	ay	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		
Collins,	ay		Mr. Griffin,	ay	} ay
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	ay	} ay	Mr. Penn,	ay	} ay
Sherman,	ay		Burke,	no	
Ellsworth,	ay		Jones,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Livingston,	no	} ay	Mr. Mathews,	no	} no
Floyd,	ay				
L'Hommedieu,	ay				
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Houston,	ay				
Clark,	ay				

So it passed in the affirmative.

AT A BOARD OF WAR *Feby 12th 1780*

Present Col^o Pickering, M^r Peters, Col^o Grayson

The Board having considered the petition of M^r Wheelock, President of Dartmouth College, relative to the maintenance of some Indian Youths from the Tribes in Canada, with the other papers referred therewith, and inquired into the condition and population of the new settlements on Connecticut river, near the centre of which settlements Dartmouth College is situated; They beg leave to observe That in these settlements there are about 2,500 families in an extent of about 140 miles, one fifth part of which are within a tract from about 100 to 140 miles only distant from Montreal.

That the passage from Canada to these settlements would be extremely easy to the Savages—that the safety of these settlements from the inroads of the Indians depends only on their friendship—

¹ At this point the entries were made by Thomas Edison.

that before the war the youths abovementioned were placed at Dartmouth College for instruction—that hitherto the tribes from whence they came have discovered a uniform friendship to the United States—that the interest of the latter as well as the security of the considerable settlements above mentioned, do in the opinion of the Board require that the friendship of those tribes be still cultivated and preserved—that the support and education of these youths who are of the principal families of those tribes will have the best tendency to this end (and the same policy extended towards other tribes would doubtless produce effects equally beneficial), that the funds of that College destined for the support and instruction of Indian Youths being raised and fixed in Great Britain M^r Wheelock is deprived of almost the only means of maintaining them—that he and his Father have incurred a great expence on account of the youths educated at the College and can not longer support those now there without some aid. The Board therefore beg leave to report

That a Warrant issue on the Treasurer in favor of Bezaleel Woodward Esq^r one of the Trustees of Dartmouth College for 5000 Dollars towards the expences of supporting and instructing several Indian Youths of the Caghnawaga and other northern tribes at said College; the said sum to be by him delivered to and disposed of for the purposes aforesaid, by the Trustees of said College.¹

WAR OFFICE Feb: 12. 1780

Present Col Pickering, M^r Peters, Col Grayson

The Board having considered that part of Gen^l Lincoln's letter of 22^d Dec^r last, respecting the supplies to the forces of Count d'Estaing, beg leave to report

That the Deputy Quarter Master General and principal purchasing Commissary in the Southern army, ascertain in the best manner circumstances will admit, the quantities of forage and provisions supplied by the inhabitants to the forces of his most Christian Majesty while the armies lay before Savannah last September and October and pay for the same what they were reasonably worth—Keeping exact and separate accounts of the sums so paid, and transmitting the same to the Treasury Board as soon as may be²

Adjourned till 10 o'Clock on Monday.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 135.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 145.

MONDAY, FEBRUARY 14, 1780

On motion of Mr. [Thomas] McKean, seconded by Mr. [James] Searle,

Resolved, That the order of Saturday last, for referring the report of the Board of War respecting Major Lee's corps, to the Commander in Chief, be reconsidered.

Congress then resumed the consideration of the report; and thereupon,

Resolved, That recruiting money be furnished Major Lee, to enable him to enlist seventy privates, to serve as dismounted dragoons in addition to those now in the corps; the whole to be formed into three troops.

A memorial from George Kennedy was read:¹

Ordered, That the same be referred to the Board of Treasury.

A letter, of December 25th, 1779, from W. Bingham, addressed to the Marine Committee was read:

Ordered, That it be referred to the Board of Admiralty.

Resolved, That a committee of three be appointed to consider of, and report further means of supplying the treasury for the current year.

The members chosen, Mr. [Oliver] Ellsworth, Mr. [Robert R.] Livingston, and Mr. [Thomas] Burke.

A letter, of this day, from George Hoffner, adjutant in Colonel Proctor's regiment of artillery, was read, requesting leave to resign his commission; Whereupon,²

Resolved, That the resignation of Adjutant George Hoffner be accepted.

A petition from Richard Downing Jennings, of the island of St. Eustatia, for himself and others, was read:³

¹ This memorial, dated February 11, 1780, is in the *Papers of the Continental Congress*, No. 41, V, folio 25.

² This letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 1.

³ This petition, undated, is in the *Papers of the Continental Congress*, No. 42, IV, folio 29.

Ordered, to lie on the table.

A motion being made by Mr. [Thomas] McKean, seconded by Mr. [Thomas] Burke, in the words following,

"Resolved, That it be recommended to the legislatures of the several States to revise their laws making the continental bills of credit a tender in payment of debts and contracts, and frame them so as to prevent injustice to creditors or debtors."

It was moved by Mr. [William] Ellery, seconded by Mr. [Thomas] McKean, to refer the above motion to a committee of three:

On which, the yeas and nays were required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay	Mr. Searle,	ay	} ay
Folsom,	ay		McLene,	ay	
<i>Massachusetts Bay,</i>			Shippen,	no	
Mr. Gerry,	ay	} ay	<i>Delaware,</i>		
Lovell,	ay		Mr. McKean,	no	} no
Holten,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	no	} no
Mr. Ellery,	ay	} ay	Forbes,	no	
Collins,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	no	} no
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>		
Sherman,	no		Mr. Penn,	no	} no
Ellsworth,	ay		Burke,	no	
<i>New York,</i>			Jones,	ay	
Mr. Livingston,	no	} ay	<i>South Carolina,</i>		
Floyd,	ay		Mr. Mathews,	ay	} ay
L'Hommedieu,	ay				
<i>New Jersey,</i>					
Mr. Fell,	no	} ay			
Houston,	ay				
Clark,	ay				

So it passed in the affirmative.

The members chosen, Mr. [William Churchill] Houston, Mr. [Robert R.] Livingston, and Mr. [Elbridge] Gerry.

A letter, of this day, from Lawrence Allman, captain lieutenant in Colonel Proctor's regiment of artillery, was read, requesting leave to resign his commission.¹

Resolved, That his resignation be accepted.

The committee to whom was referred the accounts of Major General Arnold, brought in a report.

The Committee to whom was referred the acc^{ts} of Major Gen^l Arnold, having attended that business as far as they could consistant with their other public engagements, find it impracticable, for a committee of Congress to adjust the said accounts with that accuracy and attention which the nature of them demand, and at the same time discharge their duty in other respects, and as a Board of Treasury, with proper officers has lately been established and the business of liquidating accounts is now carried on in a regular manner: Whereupon, your Committee beg leave to report that the said accounts with the papers accompanying the same be referred to the Board of Treasury to be there adjusted agreeable to the institution thereof.²

TREASURY OFFICE, *Feby 14. 1780*

The Board of Treasury beg leave to report

That a warrant issue on Tho^s Smith Esq^r Commiss^r of the Continental Loan Office for the State of Pennsylvania for Thirty six thousand nine hundred dollars in Loan Office Certificates in favor of Jonathan Potts Purveyor General of the Hospitals, or order, for which sum the said Purveyor General is to be accountable

Negattived.

That on the application of Chaloner & White Agents for Jeremiah Wadsworth Esq^r late Commissary General of Purchases a warrant issue in their favor on Sam^l Patterson Esq^r Treasurer of the State of Delaware for One hundred and fifty thousand dollars (being part of the monies raised in the said State for the use of the United States,) for which the said Jeremiah Wadsworth is to be accountable.³

Negattived.

Adjourned to 10 o'Clock to Morrow.

¹ This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 349.

² This report, in the writing of Nathaniel Peabody, is in the *Papers of the Continental Congress*, No. 19, I, folio 175.

³ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 91.

TUESDAY, FEBRUARY 15, 1780

On motion of Mr. [William] Ellery, seconded by Mr. [John] Penn,

Resolved, That fifty copies of the trial of Major General Arnold be printed at public expence.

A letter from Major General Lincoln, of January 8th, 1780, addressed to the committee for corresponding with the commanding officer in the southern department, was read.

A petition from sundry officers in the hospital department was read.¹

A letter, of 26th January, from Colonel Bland, was read.

A letter, of January 13th, from the President of the Council of Massachusetts Bay, with sundry papers enclosed, was read:²

Ordered, That it be referred to a committee of five.

The members chosen, Mr. [Roger] Sherman, Mr. [Abraham] Clark, Mr. [Thomas] Burke, Mr. [Robert R.] Livingston and Mr. [William] Ellery.

A memorial from the clerks of the Treasury, Board of War, and Secretary's office, was read:³

Ordered, That the same be referred to the Board of Treasury.

A report of the Board of War on the letter from sundry officers in the hospital department, relative to cloathing, was read.

WAR OFFICE, Feb 14. 1780

SIR,

The Board have considered the letter from sundry Officers in the Hospital department respecting clothing referred to them by Congress, and have in consequence thereof, inquired into the quantity of clothing

¹ This petition, dated February 14, 1780, is in the *Papers of the Continental Congress*, No. 42, VI, folio 35.

² This letter is in the *Papers of the Continental Congress*, No. 65, I, folio 420.

³ This memorial, dated February 14, 1780, is in the *Papers of the Continental Congress*, No. 41, II, folio 94.

belonging to the State Store of Pennsylvania, which they find trifling in comparison with the wants of the Staff; and a great part of it, consists of remnants unfit for Officers—

The Board will endeavor to comply with the desires of the Gentlemen of the staff in general, and will undertake to furnish any particular department which Congress may think proper to discriminate from the rest—provided they are supplied with the means for that purpose. The sum necessary for clothing the whole staff, will be about Six millions of dollars according to a rough calculation they have made. Besides these there are many officers in the Extra Corps not supplied by any particular State, who stand in equal need of clothing. A provision for them will greatly augment the sum.¹

Congress took into consideration the report of the committee on General Arnold's accounts; Whereupon,

Resolved, That the said committee on their request, be discharged, and that the said accounts be referred to the Board of Treasury.

Ordered, That to morrow, immediately after reading the Journal, the report of the committee for estimating supplies be taken into consideration.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Allen] Jones, relative to appointing a resident, instead of a secretary to the Minister Plenipotentiary at the Court of Versailles, &c.²

Ordered, That Saturday next be assigned for the consideration thereof.

Two letters from the council of Massachusetts Bay, dated July 31st, and September 3d, 1778, with sundry papers enclosed, were laid before Congress:

Ordered, They be referred to the Board of Treasury.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [John] Penn, in the words following,

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 149.

² This motion, in the writing of John Matthews, is in the *Papers of the Continental Congress*, No. 36, I, folio 55.

"Resolved, That a copy of the letters from the State of Georgia, as far as they relate to General McIntosh, be transmitted to that officer, and that he be informed Congress deem it inexpedient to employ him at present in the southern army, and therefore his services in that department be dispensed with, until the further order of Congress."

Upon which, it was moved by Mr. [Nathaniel] Peabody, seconded by Mr. [John] Mathews, to strike out the words, "until the further order of Congress", and in lieu thereof, to insert "and that he be directed to repair to head quarters."

On the question, shall the words moved to be struck out, stand,

The yeas and nays were required by Mr. [John] Mathews,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} div.	Mr. Fell,	ay	} ay
Folsom,	ay		Clark,	ay	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Gerry,	ay	} ay	Mr. McLene,	ay	} ay
Lovell,	ay		Muhlenburg,	ay	
Holten,	ay		<i>Maryland,</i>		
Partridge,	ay		Mr. Plater,	no	} div.
<i>Rhode Island,</i>			Forbes,	ay	
Mr. Ellery,	ay	} div.	<i>Virginia,</i>		
Collins,	no		Mr. Griffin,	ay	} ay
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	ay	} ay	Mr. Penn,	ay	} ay
Sherman,	ay		Burke,	ay	
Ellsworth,	no		Jones,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Floyd,	ay	} div.	Mr. Mathews,	no	} no
L'Hommedieu,	no				

So it passed in the affirmative.

On the question to agree to the motion,

The yeas and nays were required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} div.	Mr. Fell,	ay	} ay
Folsom,	ay		Clark,	ay	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Gerry,	ay	} ay	Mr. McLene,	ay	} ay
Holten,	ay		Muhlenberg,	ay	
Partridge,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	no	} div.
Mr. Ellery,	ay	} div.	Forbes,	ay	
Collins,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	ay	} ay
Mr. Huntington,	no	} no	<i>North Carolina,</i>		
Sherman,	ay		Mr. Penn,	ay	} ay
Ellsworth,	no		Burke,	ay	
<i>New York,</i>			Jones,	ay	
Mr. Floyd,	no	} no	<i>South Carolina,</i>		
L'Hommedieu,	no		Mr. Mathews,	no	} no

So it was,

Resolved, That a copy of the letters from the State of Georgia, as far as they relate to General McIntosh, be transmitted to that officer, and that he be informed Congress deem it inexpedient to employ him at present in the southern army, and therefore, that his services in that department be dispensed with, until the further order of Congress.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, FEBRUARY 16, 1780

On motion of Mr. [John] Mathews, seconded by Mr. [Roger] Sherman,

Resolved, That Mr. Jacob Hiltzheimer be authorised and directed to purchase such forage as he shall from time to time find necessary for the use of the horses under his direction.

A memorial from Captain Ebenezer Green was read:

Ordered, That the same be referred to the Board of War.

Agreeable to the order of the day, Congress proceeded to the consideration of the report of the committee for estimating supplies, and ¹ some progress being made thereon,

Ordered, That to morrow immediately after reading the Journal, Congress proceed to the farther consideration of the said report.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 17, 1780

A letter from Mr. Jay, dated St. Pierre, Martinico, December 22d; also one from Captain Seth Harding, of the *Confederacy*, of December 30th, 1779, were read.²

The committee, to whom was referred the motion respecting the payment of the principal and interest of loan office certificates, delivered in a report.

Agreeable to the order of the day, Congress proceeded to the farther consideration of the report of the committee for estimating supplies, and in debating the following paragraph, viz;

"Merchantable flour per hundred weight gross viz. 112 lb four and an half dollars," a motion was made by Mr. [Elbridge] Gerry, seconded by Mr. [William] Ellery, to strike out the words, "four and an half dollars," and in lieu thereof, insert "four dollars and one fifth."

On the question, shall the words moved to be struck out, stand,

The yeas and nays were required by Mr. [Elbridge] Gerry,

¹ The entries are in the hand of George Bond from this point.

² Harding's letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 487; Jay's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) III, 435.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	no		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Gerry,	no	} no	<i>Delaware,</i>		
Holten,	no		Mr. McKean,	ay	} ay
Partridge,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	ay	} ay
Mr. Ellery,	no	} no	Forbes,	ay	
Collins,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	ay	} ay
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>		
Sherman,	ay		Mr. Penn,	ay	} ay
Ellsworth,	ay		Burke,	ay	
<i>New York,</i>			Jones,	ay	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Clark,	ay				

So it passed in the affirmative.

"Beef best grass fed, which shall be delivered between the first of July and first of December, five and an half dollars net hundred wt."

It was moved by Mr. [Elbridge] Gerry, seconded by Mr. [Nathaniel] Peabody, to strike out "five and an half dollars," and in lieu thereof, to insert "6¼."

On the question, shall the words moved to be struck out, stand,

The yeas and nays were required by Mr. [Elbridge] Gerry.

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Peabody,	no	} no	Mr. Ellery,	no	} no
Folsom,	no		Collins,	no	
<i>Massachusetts Bay,</i>			<i>Connecticut,</i>		
Mr. Gerry,	no	} no	Mr. Huntington,	ay	} ay
Lovell,	no		Sherman,	ay	
Holten,	no		Ellsworth,	ay	
Partridge,	no				

<i>New York,</i>			<i>Maryland,</i>		
Mr. Floyd,	ay	} ay	Mr. Plater,	ay	} ay
L'Homedieu,	ay		Forbes,	ay	
<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Clark,	ay	} ay	Mr. Griffin,	ay	} ay
<i>Pennsylvania,</i>			<i>North Carolina,</i>		
Mr. Searle,	ay	} ay	Mr. Penn,	ay	} ay
Muhlenberg,	ay		Burke,	ay	
McLene,	ay		Jones,	ay	
Shippen,	ay		<i>South Carolina,</i>		
<i>Delaware,</i>			Mr. Mathews,	ay	} ay
Mr. McKean,	ay	} ay			

So it passed in the affirmative.

TREASURY OFFICE *Feb'y 17, 1780*

Many persons having demands on the Officers in the Staff Departments of the Army who intend on the receipt of the monies due to invest them in the Funds:

The Board of Treasury are of opinion that it will answer a beneficial purpose to authorize the Commissioners of the several Continental Loan Offices to issue Certificates for ascertained debts in the names of the persons to whom the debts are payable upon application of the Principals of the Departments of the Quarter Master and Commissary General, the balances being authentically certified to them; and that the Certificates bear date as of the time the several debts became due, provided none be dated earlier than the first of January 1780.

The Board request the sense of Congress on this matter.¹

AT A BOARD OF WAR *Feb: 14. 1780*

Present Col Pickering Mr Peters, Col Grayson

The Board having considered the letter of Lt Col White referred to them by Congress beg leave to report, That by resolution of the 4th of Feb^r last it was directed, "That the Commander in Chief be directed to proceed in such manner as he shall judge expedient to complete the arrangement of the army and to settle the relative rank of Officers under the degree of Brigadier, agreeably to the principles established by an act of Congress of the 24th day of Novem-

¹This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 97. It was disapproved in Congress on this day, as the endorsement shows.

ber 1778, and that the Board of War furnish him with copies of the proceedings of the late Committee of arrangement."

By this resolution it appears that the Commander in Chief was vested with full powers to settle and determine all matters not before adjusted with respect to the arrangement of the army, comprehending under this description as well the artillery and horse as the infantry. With respect to the latter it was expressly established as a rule "that no more Colonels be appointed in the infantry, but where any such commission is, or shall become vacant, the Battalion shall be commanded by a Lieut: Col: who shall be allowed the same pay as is now granted to a Col: of infantry, and shall rise in promotion from that to the rank of Brigadier and such Battalion shall have only two field officers viz. a Lieut. Col: and a Major, but it shall have an additional Captain." This rule was in full force as to the infantry at the time of passing the resolve of the 24th Nov^r, referred to in the General's authority to complete the arrangement of the army, and from the complexion of that resolve throughout, it appears that the cavalry and artillery were meant to be comprehended in every general principle of rank settled for the army. The Commander in Chief has in consequence of the power vested in him proceeded under this opinion in which we perfectly coincide, as both the uniformity of discipline and peace of the army demand that there should be distinctions in this respect. Lt: Col: White in person produced to us the Commander in Chief's certificate of his rank as Lieut: Col: Commandant, and we directed the commission to be filled up as a matter of course. Having thus explained ourselves on the subject we beg leave to recommend that it be resolved ~~That in the opinion of Congress the same general principles of rank were intended to pervade the whole army and that the promotions of the artillery and horse be determined by the rules executed with regard to the infantry—that on the death, removal or resignation of Colonels of the artillery and horse the regiments be commanded by Lieutenant-Colonels Commandant and that no promotions to the rank of Colonel either in the artillery or cavalry be made on vacancies happening after the 27th of May, 1778.~~¹

Adjourned to 10 o'Clock to Morrow.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 157. It is endorsed: "February 17, 1780, passed."

FRIDAY, FEBRUARY 18, 1780

A letter, of the 5th, from General Schuyler was read:¹

Ordered, That it be referred to the Board of War.

A memorial from John Holker, Esquire, agent for the marine of France, &c., was read, accompanied with an appeal from the judgment of the Court of Admiralty for the State of Massachusetts Bay, on the libel John Tucker *versus* the ship *Le Vern*:

Ordered, That the same be referred to the Committee on Appeals.

Congress took into farther consideration the report of the committee for estimating supplies, and in debating the following paragraph, viz. "All stall fed beef that shall be delivered after the first of January, and before the first of July, 7½ dollars per net hundred weight,"

A motion was made by Mr. [Oliver] Ellsworth, seconded by Mr. [William] Floyd, to strike out "7½," and in lieu thereof, insert "8½."

On the question shall the words moved to be struck out, stand,

The yeas and nays were required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Peabody,	no	} no	Mr. Huntington,	no	} ay
Folsom,	no		Sherman,	ay	
<i>Massachusetts Bay,</i>			Ellsworth,	ay	
Mr. Lovell,	no	} no	<i>New York,</i>		
Holten,	ay		Mr. Floyd,	no	} no
Partridge,	no		L'Hommedieu,	no	
<i>Rhode Island,</i>			<i>New Jersey,</i>		
Mr. Ellery,	no	} no	Mr. Fell,	ay	} ay
Collins,	no		Clark,	ay	

¹ This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 503.

<i>Pennsylvania,</i>		<i>North Carolina,</i>	
Mr. Searle,	ay	Mr. Penn,	no
McLene,	no	Burke,	no
<i>Maryland,</i>		Jones,	no
Mr. Plater,	no	<i>South Carolina,</i>	
Forbes,	no	Mr. Mathews,	no

So it passed in the negative, and the words were struck out.

It was moved to insert "eight,"

Question put,

It passed in the affirmative.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 19, 1780

A letter, of the 14th, from General Washington, was read, with sundry papers enclosed.¹

A letter, of the 5th, from Jabez Brown, Esquire, deputy governor of Rhode Island, was read:

Ordered, That the same be referred to the Board of Admiralty.

A petition from Jeduthen Baldwin was read:²

Ordered, That the same be referred to the Board of Treasury.

The Board of War, to whom was referred the memorial of Captain Ebenezer Green, brought in a report; Whereupon,

That the subject of the memorial will be most properly discussed at the settlement of the proposed cartel for an exchange of prisoners and therefore recommend that it be

¹ Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 405.

² This petition, dated February 16, 1780, is in the *Papers of the Continental Congress*, No. 42, I, folio 209.

Ordered, That the memorial of Captain Ebenezer Green, one of the hostages at the Cedars, be referred to the Commander in Chief, who is hereby authorized and directed to take such measures relative to the said hostages as he shall judge most expedient.¹

Congress proceeded to the farther consideration of the report of the committee for estimating supplies. On the question to agree to the following paragraph, viz. "Indian corn, per bushel, three fourths of a dollar,"

The yeas and nays were required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	no		McLene,	ay	
<i>Massachusetts Bay,</i>			<i>Maryland,</i>		
Mr. Holten,	no	} no	Mr. Plater,	ay	} ay
Partridge,	no		Forbes,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Collins,	ay	} ay	Mr. Penn,	ay	} ay
<i>Connecticut,</i>			Burke,	ay	
Mr. Huntington,	ay	} ay	Jones,	ay	
Sherman,	ay		<i>South Carolina,</i>		
Ellsworth	ay		Mr. Mathews,	ay	} ay
<i>New York,</i>					
<i>New Jersey,</i>					
Mr. Fell,	no	} div.			
Clark,	ay				

So it passed in the affirmative.

On the question to agree to the following paragraph, viz. "Oats well cleaned, half a dollar per bushel",

The yeas and nays were required by Mr. [Nathaniel] Peabody,

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 163.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	no		McLene,	ay	
<i>Massachusetts Bay,</i>			Shippen,	ay	
Mr. Lovell,	no	} no	<i>Maryland,</i>		
Holten,	no		Mr. Plater,	no	} div.
Partridge,	no		Forbes,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Collins,	no	} no	Mr. Penn,	ay	} ay
<i>Connecticut,</i>			Burke,	ay	
Mr. Huntington,	no	} ay	Jones,	ay	
Sherman,	ay		<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	ay	} ay
<i>New York,</i>					
Mr. Floyd,	ay	} ay			
<i>New Jersey,</i>					
Mr. Fell,	no	} div.			
Clark,	ay				

So it passed in the affirmative.

A motion was made to postpone the consideration of the report;

On the question for postponing,

It passed in the affirmative.

A letter of this day from Mr. [Elbridge] Gerry was read.¹

AT A BOARD OF WAR *Feby 19. 1780.*

Present Col Pickering, M^r Peters, Col Grayson

The Board having considered the motion made in Congress for a reduction of the army, and the letter from His Excellency Gen^l Washington, of the 23^d of January, beg leave to inform Congress, that in every point of view in which the subject can be placed, they can only discover a choice of difficulties. Whether the advantages to be derived from the measure, will be equal to the disgusts that will be created in the course of its execution, remains with Congress to determine.

In investigating the subject, they discover numberless embarrassments by pursuing any general system for the accomplishment of the

¹ This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 219.

end proposed, and yet it seems to be indispensable, that the reduction should be effected upon general maxims, without regard to particular persons, or comparative merit.

Should Congress determine to carry the measure into execution, the board are of opinion, that a Committee should be appointed for the purpose, (with ample powers to pervade the whole business) to go to Head quarters and consult with the Commander in Chief on the most proper steps to be taken for a new arrangement of the army. By being on the spot, they would not only have the best information as to facts (which is a matter of very great consequence) but also an opportunity of taking advantage of any circumstances that might occur in advancement of the measure. There is no doubt but many Officers would of themselves chuse to retire, if it could be done consistent with their honor, and the good of their country; And others might be induced to the measure if they had such a provision made for them as it might be prudent and just in Congress to bestow.

Such a Committee would have an opportunity of conversing with the Officers, and knowing the disposition of the army, and if the arrangement was found to be inexpedient, might give it over altogether, or only execute it in those cases where it could be effected without uneasiness.

If any general rule of conduct was adopted in the first instance, it would be essential to the dignity of Congress not to recede from it on account of any opposition it might meet with. Congress well know that the reduction of armies even in absolute Governments is attended with great difficulty. In our particular circumstances it would require the utmost delicacy and circumspection.

'Tis a piece of justice due to the army, that they should be in some measure compensated for the sacrifices they have made for the good of their country. Their virtuous exertions in the general cause while many others have been engaged in the advancement of their private fortunes, should not be unrewarded. The board are of opinion that full pay and subsistence during the war, and the same emoluments after its conclusion, as those are to receive who continue in service, will be but a small compensation for the officers who shall be found supernumerary. There not being sufficient commands to enable them to remain in the army, is not a circumstance which depends on themselves, but on the inability of the country to furnish them.

The Board therefore beg leave to report,

That a Committee be appointed to confer with the Commander in Chief on the means of reducing the number of regiments in the army.

That the said Committee in conjunction with the Commander in Chief, be empowered (if a reduction be by them found expedient) to fix the number of regiments to be kept up, and arrange the Officers therein in such manner as they shall judge most conducive to the public good, and to establish the terms on which the officers for whom there are no immediate commands, may be permitted to absent themselves from the army.

That the Committee repair immediately to Head quarters and on their return, report their proceedings to Congress.

That it be recommended to the Governments of the several States to suspend filling up vacancies of officers in their respective lines.¹

Adjourned to 10 o'Clock on Monday.

MONDAY, FEBRUARY 21, 1780

A letter, of the 17th, from General Washington, was read:
Ordered, That the same be referred to the Board of War.

The Board of War, to whom was referred General Schuyler's letter, of the 5th, brought in a report, which was read;
Whereupon,

AT A BOARD OF WAR, Feby 19. 1780

Present Col^o Pickering, Mr Peters, Col Grayson

The Board having considered Gen^l Schuyler's letter of the 5th instant, agree in sentiment with the Commissioners of Indian affairs in the Northern department as to the policy of the measures recommended by them with respect to ensuring the performance of any engagements the savages may make, but whether the Indians will deem it politic on their side is yet problematical, as it will have a tendency to embroil them with the Enemy. It therefore seems necessary to give discretionary powers to the Commissioners in this respect, as any plan established here may interfere with circumstances arising in the course of the Treaty. If the Indians can be prevailed on to take an active part with us, it will certainly be the best means of insuring their fidelity to the United States by involving them in our

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 167. It does not appear to have been acted upon at this time.

contest and its consequences. But their operations will much depend upon the supplies we give them, and it is a question whether we are able to support them when they throw themselves entirely upon us, if we do not supply them, they may make it a pretext for breaking the Treaty from necessity. But if a Treaty of amity and strict neutrality could be established, we should not be deemed responsible for any supplies farther than was consistent with our convenience and abilities. But this is a matter on which the board do not form any decided opinion, leaving it to the judgment of Congress, and those they have been pleased to entrust with the business.

They beg leave to report,

Resolved, That the Commissioners of Indian affairs in the Northern department, be authorized and instructed to take such securities from the hostile tribes of Indians ~~and fall upon such methods~~ to insure the faithful performance of their engagements ~~the savages may make at any treaty entered into with them by~~ with the said commissioners for establishing peace and friendship between the said Indians and the inhabitants of these States, as to them shall seem best adapted to circumstances as seem most conducive to the end proposed ~~without confining themselves to any particular method or measure heretofore pointed out by Congress for that purpose~~, in lieu of hostages.

That a Warrant issue on the Treasurer in favor of the pay master of the Board of War and Ordnance for the sum of dollars to be transmitted to the commissioners of Indian affairs in the Northern department for the purpose of defraying the expence of an expected Treaty with the hostile Tribes of Savages, and for rewarding by proper presents the Oneidas and Tuscarurraes who have continued faithfully attached to the interest of these States.¹

Ordered, That the last paragraph of the report, relative to an advance of money for the purpose of defraying the expence of an expected Treaty with the hostile tribes of Indians, be referred to the Board of Treasury.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 171.

The report of the Board of War on the letter from Colonel White was read; Whereupon,

Resolved, That the promotion of the artillery and horse be determined by the rules executed with regard to the infantry; and that no promotions to the rank of colonel, either in the artillery or cavalry, be made on vacancies.

Another report from the Board of War was read; Whereupon,

AT A BOARD OF WAR, *Feb: 15. 1780*

Present M^r: Peters Col Grayson

The Board having rec^d frequent applications for commissions from the Aides de Camp who were appointed previous to the resolution of May the 27th 1778, were induced to write a letter to Gen^l Washington on the subject. They take the liberty to enclose his Excellency's answer and beg leave to report

Resolved, That all aids de camp now in service, who were appointed before the 27th of May, 1778, and are not admissible into any state line, receive commissions agreeably to the rank they are entitled to, under the resolution of June 5th, 1776; the commissions to bear the dates of their appointments.¹

Congress resumed the consideration of the report of the committee for estimating supplies, and in debating the following paragraph, viz. "West India rum good proof one dollar and one half per gallon."

A motion was made by Mr. [Nathaniel] Peabody, seconded by Mr. [George] Partridge, to strike out the words, "one dollar and an half," and in lieu thereof, insert "two dollars ~~and an half.~~"

On the question shall the words moved to be struck out stand, the yeas and nays were required by Mr. [Nathaniel] Peabody,

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 151.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	}	Mr. Searle,	ay	}
Folsom,	no		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Holten	no	}	Shippen,	ay	
Partridge,	no		<i>Delaware,</i>		
<i>Rhode Island,</i>			Mr. McKean,	—	
Mr. Ellery,	no	}	<i>Maryland,</i>		
Collins,	no		Mr. Plater,	ay	}
<i>Connecticut,</i>			Forbes,	ay	
Mr. Huntington,	no	}	<i>Virginia,</i>		
Sherman,	ay		Mr. Griffin	no	}
Ellsworth,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	ay	}
Mr. Floyd,	ay	}	Burke,	ay	
L'Hommedieu,	ay		Jones,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Fell,	ay	}	Mr. Mathews,	ay	}
Clark,	ay				

So it passed in the affirmative.

"Best alum, or rock salt, per bushel, three dollars."

A motion was made by Mr. [James] Forbes, seconded by Mr. [George] Plater, to strike out "three dollars."

On the question shall the words moved to be struck out stand,

The yeas and nays were required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Peabody,	no	}	Mr. Huntington,	ay	}
Folsom,	no		Sherman,	ay	
<i>Massachusetts Bay,</i>			Ellsworth,	ay	
Mr. Holten,	ay	}	<i>New York,</i>		
Partridge,	no		Mr. Floyd,	ay	}
<i>Rhode Island,</i>			L'Hommedieu,	ay	
Mr. Ellery,	ay	}			
Collins,	ay				

<i>New Jersey,</i>			<i>Virginia,</i>	
Mr. Fell,	ay	} ay	Mr. Griffin,	ay } ay
Clark,	ay		<i>North Carolina,</i>	
<i>Pennsylvania,</i>			Mr. Burke,	ay } ay
Mr. Searle,	ay	} ay	Jones,	ay } ay
Muhlenberg,	ay		<i>South Carolina,</i>	
McLene,	ay		Mr. Mathews,	ay } ay
Shippen,	ay			
<i>Maryland,</i>				
Mr. Plater,	no	} no		
Forbes,	no			

So it passed in the affirmative.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 22, 1780¹

A letter from Major General Greene, of February 16th, was read:²

Ordered, That it be referred to the committee on his letter of the 12th December last.

A letter, of this day, from Mr. [Elbridge] Gerry, was read; Whereupon,³

A motion was made by Mr. [Roger] Sherman, seconded by Mr. [James] McLene, in the words following;

Resolved, That when any member thinks himself aggrieved, or his privilege infringed by anything said, or done in the House, he may state the matter in his place and have the sense of Congress taken thereon, in preference to any other business.

Upon which it was moved by Mr. [John] Penn, seconded by Mr. [Roger] Sherman, to strike out the words "in preference to any other business."

¹ From this point the entries are in Thomas Edison's writing.

² This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 208.

³ This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 205.

On the question shall the words moved to be struck out stand,

The yeas and nays were required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} div.	Mr. Searle,	no	} no
Folsom,	no		Muhlenberg,	no	
<i>Massachusetts Bay,</i>		McLene,	no		
Mr. Holten,	no	} div.	<i>Delaware,</i>		
Partridge,	ay		Mr. McKean,	no	} no
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	} no	Mr. Plater,	no	} no
<i>Connecticut,</i>			Forbes,	no	
Mr. Huntington,	no	} no	<i>Virginia,</i>		
Sherman,	no		Mr. Griffin,	no	} no
Ellsworth,	ay		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	no	} no
Mr. L'Hommedieu,	no	} no	Burke,	no	
<i>New Jersey,</i>			Jones,	no	
Mr. Fell,	no	} no			
Clark,	no				

So it passed in the negative.

A motion was then made by Mr. [Thomas] Burke, seconded by Mr. [Abraham] Clark, to amend the resolution so as to read, "That any member thinking his privilege infringed by any thing said or done in the House, ought of right to be heard in his place, and not otherwise."

Question on the amendment put, passed in the affirmative.

A division was called for by Mr. [Nathaniel] Peabody, and on the question to agree to the motion as far as "place,"

It passed in the affirmative.

On passing the last part, viz. "and not otherwise."

The yeas and nays were required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} div.	Mr. Searle,	no	} no
Folsom,	ay		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	no	
Mr. Holten,	no	} no	<i>Delaware,</i>		
Partridge,	no		Mr. McKean,	no	} no
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Plater,	ay	} ay
<i>Connecticut,</i>			Forbes,	ay	
Mr. Huntington,	no	} no	<i>Virginia,</i>		
Sherman,	no		Mr. Griffin,	ay	} ay
Ellsworth,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	ay	} ay
Mr. L'Hommiedieu,	no	} no	Burke,	ay	
<i>New Jersey,</i>			Jones,	ay	
Mr. Fell,	ay	} ay			
Clark,	ay				

The states being equally divided,

It was,

Resolved, That any member thinking his privilege infringed by any thing said or done in the House, ought of right to be heard in his place.

A letter, of the 10th, from William Smith, was read:¹

Ordered, That the same be referred to the Board of Treasury.

Congress resumed the consideration of the report of the committee for estimating supplies, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.²

WEDNESDAY, FEBRUARY 23, 1780

A letter, of December 8th, from Arthur Lee, Esquire;

Also one from Benjamin Franklin, Esquire, of September 30th, were read, and returned to the Committee for Foreign Affairs.

¹ This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 503.

² George Bond resumes the entries here.

A memorial from Ebenezer Green was read:¹

Ordered, That it be referred to the Board of Treasury.

A petition from Major General Arnold was read:

Ordered, That the same be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon,

Colonel Armand, Marquis de la Rouerie, having applied for promotion to the rank of brigadier in the service of the United States; and Congress, (though conscious of his merit, and that he has upon all occasions exhibited undoubted and distinguished proofs of his great zeal, activity and vigilance, intelligence and bravery; and in the last campaign particularly, rendered very valuable services) not thinking it expedient under the present circumstances of the army to comply with his request, as it would too much interfere with the arrangements lately established, and be injurious to the rights of other colonels who have been longer in service than Colonel Armand; and being desirous, as well to promote the public interest as to testify their good opinion of Colonel Armand, by affording him an opportunity of continuing in the service of the United States;²

Resolved, That the remains of the legion of the late Count Pulaski be incorporated with the corps of Colonel Armand, Marquis de la Rouerie, in such manner as the commander in chief of the southern army shall think proper: the united corps to be formed into a legion to be commanded by Colonel Armand; provided, however, that General Lincoln has not already entered into measures for complying with the resolution of Congress of December 29th, 1779.

That a warrant issue on the treasurer, in favor of Colonel Armand, for twenty thousand dollars, to enable him to proceed on his march to join the southern army; for which he is to be accountable.³

¹ This memorial, dated February 21, 1780, is in the *Papers of the Continental Congress*, No. 41, III, 465; Lee's letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) III, 419; Franklin's on p. 354.

² This preamble was passed on February 25, but in the printed journals it was inserted in its proper place before the resolution.

³ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 175.

A letter, of the 18th, from the governor of Maryland to the delegates of that State, was laid before Congress, and read:¹

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Thomas] Burke, Mr. [Abraham] Clark and Mr. [Oliver] Ellsworth.

Congress resumed the consideration of the report of the committee for estimating supplies, and the same having been debated by paragraphs, a motion was made by Mr. [James] McLene, seconded by Mr. [Abraham] Clark, in the words following; viz.

“Resolved, That when the articles of supply procured in any one township, town or hundred, are collected into one place within the same, the said articles shall be transported to the magazine to be appointed by the Commander within the State, at the expence of the United States.”

On the question to agree to the same,

The yeas and nays were required by Mr. [James] McLene,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	no		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Lovell,	no	} no	Shippen,	no	
Holten,	no		<i>Delaware,</i>		
Partridge,	no		Mr. McKean,	no	} no
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Collins,	no	} no.	Mr. Plater,	no	} no
<i>Connecticut,</i>			Forbes,	no	
Mr. Huntington,		} no	<i>Virginia,</i>		
Sherman,	no		Mr. Griffin,	ay	} ay
Ellsworth,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	no	} no
Mr. L'Hommedieu,	no	} no	Burke,	no	
<i>New Jersey,</i>			Jones,	no	
Mr. Fell,	no	} div.			
Clark,	ay				

¹ This letter is in the *Papers of the Continental Congress*, No. 70, folio 343, endorsed, "Reported & Delivered on Feby. 24th. Tho: Burke."

So it passed in the negative.

Ordered, That the farther consideration of the report be postponed till to morrow.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favor of Mr. [Cyrus] Griffin, one of the delegates for the State of Virginia, on his application, for eight thousand dollars; for which sum the said State is to be accountable.¹

That a warrant issue on Thomas Smith, Esquire, commissioner of the continental loan office, for the State of Pennsylvania, in favor of Joseph Carleton, paymaster to the Board of War, for one million five hundred thousand dollars, to be applied under their orders for the purpose of making further purchases to supply the deficiencies of cloathing in the continental army; and for which sum the said Joseph Carleton is to be accountable.

That on the application of Charles Pettit, Esquire, assistant quarter master general, a warrant issue in his favor on Thomas Smith, Esquire, commissioner of the continental loan office for the State of Pennsylvania, on account of Major General Greene, quarter master general, for two hundred and fifty thousand dollars, for the use of his department; and for which he is to be accountable.

The Board having considered the memorial of the several Gentlemen acting as Clerks in the different Offices under Congress of the 14th inst. referred by Congress to them beg leave further to report

That they are thoroughly convinced of the truths of the Facts set forth in the said memorial, and are of opinion that the salaries of the Gentlemen aforesaid should be augmented, but view it as a subject for deliberation which the necessities of the memorialists will not with conveniency admit of, and the Board being well assured of their necessities therefore report—

That a warrant issue on the Treasurer in favor of the memorialists, viz. for three thousand dollars each, to answer their present pressing

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 99.

demands which may enable them to wait a thorough investigation of the matter, and for which sum they are respectively to be accountable.

That on the application of Charles Pettit, Esquire, assistant quarter master general, a warrant issue on Thomas Smith, Esquire, commissioner of the continental loan office, for the State of Pennsylvania, on account of Major General Greene, quarter master general, for one million five hundred thousand dollars, for the use of his department; and for which he is to be accountable.¹

Adjourned to 10 o'Clock to Morrow.

THURSDAY, FEBRUARY 24, 1780

A letter, of this day, from John Benezet, was read; Whereupon,

Ordered, That the same, together with the report of the Board of Admiralty on Mr. Bingham's letter, of December 25th, be referred to the Commercial Committee.

The Medical Committee, to whom was referred the letter from the governor of South Carolina, and the committee on the letter from the governor of Maryland to the delegates of that State; also the committee on the letter from the president of the council of Massachusetts Bay, delivered in reports.

The Committee to whom was referred the letter of His Excellency the Governor of the State of Maryland to the Delegates of the Said State dated February the 18th 1780.

Report,

That the monies directed by Congress to be raised by the States was intended for defraying the public expences upon a certain calculation and should any of the same be diverted to purposes not in contemplation at the time of making the requisition dangerous disappointments might happen and consequent injury and inconvenience to the United States.

That as the request in the letter referred might possibly have such effect should it be complied with, your committee are of opinion,

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 103.

that the Delegates from the State of Maryland return for answer to His Excellency the Governor of said State, that Congress deem it inexpedient to comply with his request.¹

Congress resumed the consideration of the report of the committee for estimating supplies, and some time being spent therein,

A motion was made by Mr. [George] Partridge, seconded by Mr. [Nathaniel] Peabody, to reconsider the following paragraph, viz. "West India rum good proof, one dollar and an half, per gallon."

On the question for re-considering,

The yeas and nays were required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay	Mr. Muhlenberg,	ay	} ay
Folsom,	ay		McLene,	ay	
<i>Massachusetts Bay,</i>			Shippen,	no	
Mr. Lovell,	ay	} ay	<i>Delaware,</i>		
Holten,	ay		Mr. McKean,	no	} no
Partridge,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	no	} no
Mr. Ellery,	ay	} ay	Forbes,	no	
Collins,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	ay	} ay
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>		
Sherman,	ay		Mr. Penn,	no	} ay
Ellsworth,	ay		Burke,	ay	
<i>New York,</i>			Jones,	ay	
Mr. Floyd,	no	} div.	<i>South Carolina,</i>		
L'Homedieu,	ay		Mr. Mathews,	no	} no
<i>New Jersey,</i>					
Mr. Fell,	no	} no			
Clark,	no				

So it was resolved in the affirmative.

¹ This undated report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 70, folio 347. A copy in the writing of George Bond, Deputy Secretary of Congress, is in No. 20, II, folio 223.

A motion was then made by Mr. [George] Partridge, seconded by Mr. [Roger] Sherman, to strike out the words, "one half," and in lieu thereof, insert "three quarters."

On the question shall the words moved to be struck out stand,

The yeas and nays were required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} ay	Mr. Muhlenberg,	no	} no
Folsom,	ay		McLene,	no	
<i>Massachusetts Bay,</i>			Shippen,	ay	
Mr. Lovell,	no	} no	<i>Delaware,</i>		
Holten,	no		Mr. McKean,	ay	} ay
Partridge,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Forbes,	ay	} ay
Mr. Ellery,	ay	} div.	Plater,	ay	
Collins,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	no	} no
Mr. Huntington,	no	} no	<i>North Carolina,</i>		
Sherman,	no		Mr. Penn,	ay	} no
Ellsworth,	no		Burke,	no	
<i>New York,</i>			Jones,	no	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	no	} no
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Clark,	ay				

So it passed in the negative and the words were struck out.

It was then moved by Mr. [Nathaniel] Peabody, seconded by Mr. [William] Ellery, to strike out the words, "one," and in lieu thereof, insert "two."

And on the question, shall the word moved to be struck out stand,

The yeas and nays were required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Muhlenberg,	ay	} ay
Folsom,	no		McLene,	ay	
<i>Massachusetts Bay,</i>			Shippen,	ay	
Mr. Lovell,	ay	} ay	<i>Delaware,</i>		
Holten,	ay		Mr. McKean,	ay	} ay
Partridge,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	ay	} ay
Mr. Ellery,	no	} no	Forbes,	ay	
Collins,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	ay	} ay
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>		
Sherman,	ay		Mr. Penn,	ay	} ay
Ellsworth,	ay		Burke,	ay	
<i>New York,</i>			Jones,	ay	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Clark,	ay				

So it passed in the affirmative.

A motion was made by Mr. [George] Partridge, seconded by Mr. [Thomas] Burke, to insert "three quarters."

On which, the yeas and nays were required by Mr. [James] Forbes,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Peabody,	no	} div.	Mr. Huntington,	ay	} ay
Folsom,	ay		Sherman,	ay	
<i>Massachusetts Bay,</i>			Ellsworth,	ay	
Mr. Lovell,	ay	} ay	<i>New York,</i>		
Holten,	ay		Mr. Floyd,	no	} no
Partridge,	ay		L'Hommedieu,	no	
<i>Rhode Island,</i>			<i>New Jersey,</i>		
Mr. Ellery,	ay	} ay	Mr. Fell,	no	} no
Collins,	ay		Clark,	no	

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Muhlenberg,	ay	} ay	Mr. Griffin,	no	} no
McLene,	ay		<i>North Carolina,</i>		
Shippen,	no		Mr. Penn,	no	
<i>Delaware,</i>			Burke,	ay	} no
Mr. McKean,	no	} no	Jones,	no	
<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Plater,	no	} no	Mr. Mathews,	ay	} ay
Forbes,	no				

So it passed in the negative.

A motion was then made by Mr. [Allen] Jones, seconded by Mr. [Cyrus] Griffin, to insert "two thirds."

On which, the yeas and nays were required by Mr. [James] Forbes,¹

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} div.	Mr. Muhlenberg,	ay	} ay
Folsom,	ay		McLene,	ay	
<i>Massachusetts Bay,</i>			Shippen,	no	
Mr. Lovell,	ay	} ay	<i>Delaware,</i>		
Holten,	ay		Mr. McKean,	ay	} ay
Partridge,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	no	} no
Mr. Ellery,	ay	} ay	Forbes,	no	
Collins,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	ay	} ay
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>		
Sherman,	ay		Mr. Penn,	no	} ay
Ellsworth,	ay		Burke,	ay	
<i>New York,</i>			Jones,	ay	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>					
Mr. Fell,	no	} no			
Clark,	no				

So it passed in the affirmative.

Adjourned to 10 o'Clock to Morrow.

¹ Here Thomas Edison begins the entries.

FRIDAY, FEBRUARY 25, 1780

Mr. [Ezra] L'Homedieu, one of the delegates from the State of New York, laid before Congress the resolutions of the senate and assembly of that State, relative to the appointment of delegates, which were read, as follows:

STATE OF NEW YORK

IN SENATE *October 15th 1779*

Resolved that this Senate do concur with the hon^{ble} the House of Assembly in their Resolution on the Subject of "appointing a Delegate from this State in General Congress for the present year in the stead of the hon^{ble} John Jay Esq^r appointed Minister from the United States to the Court of Madrid."

Resolved that this Senate do concur with the hon^{ble} the house of Assembly "that a special Occasion does now exist on which the Chancellor and Judges of the Supreme Court may be elected Delegates to the General Congress: and that of the Chancellor and Judges of the Supreme Court one should on this Occasion be elected a Delegate to continue in Office until the first Day of April next."

Resolved (if the hon^{ble} the House of Assembly concur herein) that if any Question be put in Congress when only one of the Delegates of this State shall be present, the Vote of such Delegate on the Question shall be the Vote of this State: Provided always that the Attendance of three of the said Delegates as required by the former Resolutions of the Senate and Assembly, be considered in full force.

Ordered that Mr. Van Schaick carry a Copy of the foregoing Resolutions to the hon^{ble} the House of Assembly.

OCTOBER 18TH.

A Message from the hon^{ble} the House of Assembly (by Mr. Pell and Mr. Purdy) was received; informing "that they concur with this Senate in the Resolution of the 15th instant authorizing any one of the Delegates of this State, present in Congress, when a Question shall be put, to give the Vote of this State."

Resolved that the hon^{ble} Philip Schuyler Esquire be and hereby is declared duly nominated and appointed a Delegate from this State in the Congress of the United States of America, in the stead of the hon^{ble} John Jay Esquire, for the present year.

Resolved that the hon^{ble} Robert R. Livingston Esquire, Chancellor of this State, be and hereby is declared duly nominated and

appointed a Delegate, on the present special Occasion, from this State in the Congress of the United States of America; to continue in his said Office of Delegate until the first Day of April next.

By Order of the Senate.

PIERRE VAN CORTLANDT *Pres^{te}*

Attest:

ROB^t BENSON *Clerk.¹*

Congress resumed the consideration of the report of the committee for estimating supplies, and the same having been debated by paragraphs and amended, the following resolutions were agreed to, viz.

Resolved, That the several states be called on forthwith to procure their respective quotas of supplies for the ensuing campaign, as follows, to wit:

New Hampshire,	11,200 hundred weight of beef,	New Jersey,	18,000 hundred weight of beef,
	35,643 gallons of rum,		10,000 barrels of flour,
Massachusetts	56,000 hundred weight		3,758 bushels of salt,
Bay,	of beef,		3,500 tons of hay,
	12,126 bushels of salt,		30,000 bushels of corn,
	195,628 gallons of rum,		or short forage
Rhode Island,	2,240 hundred weight		equivalent,
	of beef,	Pennsylvania,	40,000 barrels of flour,
	2,000 bushels of salt,		14,189 bushels of salt,
	18,621 gallons of rum,		24,423 gallons of rum,
	400 tons of hay,		1,700 tons of hay,
Connecticut,	78,400 hundred weight		200,000 bushels of corn,
	of beef,		or short forage
	1,011 bushels of salt,		equivalent,
	68,558 gallons of rum,	Delaware,	3,055 barrels of flour,
	500 tons of hay,		500 tons of hay,
New York,	11,200 hundred weight		18,662 bushels of corn,
	of beef,		or short forage
	13,969 barrels of flour,		equivalent,
	500 tons of hay, 30,000		
	bushels of In-		
	dian corn, or		
	other short for-		
	age equivalent,		

¹ The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates*.

Maryland,	40,000 hundred weight of beef,	North Carolina,	49,875 hundred weight of beef,
	20,000 barrels of flour,		15,000 barrels of flour,
	200 tons of hay or corn blade,		4,500 bushels of salt,
	56,152 bushels of corn, or short forage equivalent,		800 tons of hay or corn blade,
	1,000 hogsheads of to- bacco,		80,000 bushels of corn, or short forage in proportion,
Virginia,	47,000 hundred weight of beef,	South Carolina,	16,000 hundred weight of beef,
	1,278 barrels of flour,		52,000 hundred weight of rice,
	10,700 bushels of salt,		5,000 bushels of salt,
	400 tons of hay or corn blade,		120,000 gallons of rum,
	200,000 bushels of corn, or short forage equivalent,		800 tons of hay or corn blade,
	6,000 hogsheads of to- bacco,		80,000 bushels of corn, or short forage equivalent.
	100,000 gallons of rum,		

Resolved, That pork be received from any State in lieu of beef, in quantities proportioned to the prices assigned to each.

Resolved, That ~~whiskey~~ continental rum, ~~peach, apple or other brandy~~ or other spirit suitable for the army, be received ~~from every state required to furnish rum~~ in lieu of West India rum, in quantities proportion to the prices assigned to each.

Resolved, That the articles aforesaid, be collected and deposited, or delivered, at the risque of the respective states, in such places within each State respectively, as the Commander in Chief shall judge most convenient, except tobacco, which is to be stored under the direction of the ~~Board of Admiralty~~ Commercial Committee.

Provided, That ~~all~~ such of the said articles as shall be destroyed or taken by the enemy, after being deposited as aforesaid, or which shall be damaged by long keeping, shall be paid for by the United States.

Resolved, That the respective states be credited for all such commodities, being of good and sufficient quality, as shall be received for the use of the United States, by persons appointed to inspect the same, at the prices following, to wit:

Merchantable flour, per hundred weight gross, viz. 112 lb. 4½ dollars;

Beef, best grass fed, which shall be delivered between the first of July and the first of December, 5½ dollars per net hundred weight;

Beef, best stall fed, which shall be delivered in the month of December ~~and January~~, 6½ dollars per net hundred weight; and for all that shall be delivered after the ~~month~~ first of January, and before the first of July, 7 8 dollars per net hundred weight;

~~Green~~ Fresh pork, well fatted with corn or rice, 7 dollars per net hundred weight;

Salted ~~barreled~~ pork per barrel, well fatted as aforesaid, containing 220 pounds net, 22 dollars;

Salted ~~barreled~~ beef per barrel, containing 240 pounds net, 17½ dollars;

Clean well dried Indian corn per bushel, three fourths of a dollar;

Oats, well cleaned, half a dollar per bushel;

Rye, well cleaned, per bushel, one dollar;

White beans and pease per bushel, one dollar and an half;

Wheat, weighing 60 pounds one dollar and an half;

Spelts, ~~two thirds of~~ half a dollar per bushel;

Buckwheat per bushel, ~~two thirds~~ three-fifths of a dollar;

Rough rice, three-fourths of a dollar per bushel;

Merchantable rice, three dollars per hundred weight;

Best upland first crop hay per ton, fifteen dollars. ~~Best second crop per ton, eleven dollars; other hay, of inferior quality, in proportion.~~

Best Indian corn blades per ton, fifteen dollars;

Good inspected tobacco per hundred net ~~five~~ six dollars;

~~Best Coper Indigo per pound and other Indigo in proportion.~~

West India rum, good proof, one ~~and one third~~ dollar and two-thirds per gallon;

Best alum or rock salt per bushel, three dollars; and other salt in proportion;

[Continental rum, good proof, one dollar; and other spirits, good proof, suitable for the army, at prices in the usual proportions to the price of rye.]

Resolved, That all the accounts between these states, relating to their quotas of the supplies aforesaid, shall be kept and finally settled in Spanish milled dollars, and the balances finally paid in ~~the same~~ specie.

Resolved, That if it shall appear, on an adjustment of the quotas of the several states, that any State has supplied more than its due proportion in value, every such State shall be paid the value of the surplus, at the rates aforesaid, in specie, with interest at six per centum per annum, from the time such surplus shall have been deposited as above directed; and every State which shall have failed to supply its due proportion, shall be charged with the deficiency, at the rates aforesaid, and the like interest thereon, from the time that the same ought to have been deposited.

~~*Resolved*, That when any state shall furnish the supplies aforesaid in greater quantities than are herein specified, or shall furnish any other supplies for the use of the United States, the same shall be credited at the prices aforesaid, or, when the prices are not herein specified, at prices in proportion to the price herein allowed for the several articles of supply called for.~~

Resolved, That the several states cause monthly returns to be made to the Board of War of all such commodities as

shall be procured for the use of the United States; specifying the quantities issued in each preceding month.

Resolved, That when any State shall have taken the necessary measures for furnishing its quota of the said supplies, and shall have given information thereof to Congress, such State be authorized to carry into effect the resolution of the 17th of December last, for discontinuing purchases of such supplies, by the commissaries or quarter masters within the same.

Resolved, That ~~such state as shall furnish the supplies required by the resolutions aforesaid~~ the several states be excused from paying into the treasury two thirds of the monies which they were called on to raise monthly, for the use of the United States, by the resolution of the sixth of October, 1779.

[*Resolved*, That it be recommended to the states to furnish such parts of their quotas of meat, in beef cattle, as the commissaries shall from time to time have occasion for, to supply the army with fresh beef through the different seasons of the year.

That only such quantities of beef and pork be salted, to be delivered in barrels, as shall be requested by the commissary general:

That the hides and tallow of the beef cattle, delivered on foot, shall be received and credited at the same price as the beef.

That the provisions furnished by authority of any State, for the use of the army, since the first day of December last, may be credited as part of the quota of supplies assigned to such State; at the prices fixed in the foregoing resolutions, if such State desire it.]¹

¹ This report, in the writing of Thomas Burke, excepting the portions in brackets, is in the *Papers of the Continental Congress*, No. 26, folios 111-120.

On the question to agree to the whole of the foregoing resolutions, as amended,

The yeas and nays were required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	no		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Holten,	ay	} ay	<i>Delaware,</i>		
Partridge,	ay		Mr. McKean	ay	} ay
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	{ no	Mr. Plater,	no	} no
Collins,	no		Forbes,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	ay	} ay	Mr. Griffin,	ay	} ay
Sherman,	ay		<i>North Carolina,</i>		
Ellsworth,	no		Mr. Burke,	ay	} ay
<i>New York,</i>			Jones,	ay	
Mr. Floyd,	ay	} ay	<i>South Carolina,</i>		
L'Hommedieu,	ay		Mr. Mathews,	ay	} ay
<i>New Jersey,</i>					
Mr. Fell,	no	} div.			
Clark,	ay				

Resolved in the affirmative.

A letter, of the 17, from the Board of War, relative to an advance of money to Colonel B. Flower, commissary general of military stores, was read:

Ordered, That the same be referred to the Board of Treasury.

A memorial from the auditors of the army, and one from commissioners of the chambers of accounts, were read:¹

Ordered, That they be referred to a committee of four.

~~On motion of Mr. McKean, seconded by Mr. Holten,~~

¹ The memorial of the auditors of the army, dated February 21, 1780, is in the *Papers of the Continental Congress*, No. 41, I, folio 51; that of the Commissioners of the Chamber of Accounts, dated February 16, 1780, in No. 41, II, folio 98.

~~Resolved, That a committee of four be appointed to take into consideration the present salaries of the officers and clerks in the respective boards established by Congress, and to report such additional allowances to each, as shall be adequate to their necessary expenses for the current year.~~

The members chosen, Mr. [Roger] Sherman, Mr. [Samuel] Holten, Mr. [Thomas] McKean and Mr. [John] Mathews.

~~Ordered, That the memorial from the auditors of the army, the commissioners of the chambers of accounts, and the clerks of the Treasury, Board of War, and Secretary's office of Congress, be referred to the above committee.~~

On motion of Mr. [John] Mathews, seconded by Mr. [Cyrus] Griffin,

Resolved, That two members be added to the committee for apportioning to the states their quotas of the bills of credit emitted by Congress, in the room of Mr. [Elbridge] Gerry and Mr. [William Churchill] Houston, who are absent.

The members chosen, Mr. [Ezra] L'Hommedieu and Mr. [Thomas] Burke.

Congress took into consideration the report of the Board of Treasury, to whom was referred the memorial from the several clerks in the different offices under Congress; Whereupon,

Ordered, That warrants issue on the treasurer, in favor of William Ramsey, John Clarkson and Pat. Ferrall, clerks in the Treasury Office, for three thousand dollars each, for which they are respectively to be accountable.

That warrants issue on the treasurer, in favor of Joseph Scudder, Chandler D. Fowke, G. Aertsen, Junior, and J. Stevenson, clerks in the War office, for three thousand dollars, each, for which they are respectively to be accountable.

That warrants issue on the treasurer, in favor of T. Edison, Charles Morse, John M. Jackson and Aaron D.

Woodruff, clerks in the Secretary's office of Congress, for three thousand dollars each, for which they are respectively to be accountable.¹

A letter, of the 13th, from Colonel Armand was read, enclosing one from sundry officers of his corps.²

Ordered, That the same be referred to the Board of War, and that they take order on the subject of cloathing.

On motion of Mr. [Thomas] McKean, seconded by Mr. [John] Mathews,

Resolved, That the following be a preamble to the resolve of the 23d, relative to incorporating the remains of the legion of the late Count Pulaski with the corps of Colonel Armand, viz. "Colonel Armand, Marquis de la Rouerie, having applied for promotion to the rank of brigadier general in the service of the United States: and Congress (tho conscious of his merit and that he has upon all occasions exhibited undoubted and distinguished proofs of his zeal, activity, vigilance, intelligence and bravery: and in the last campaign particularly rendered very valuable services), not thinking it expedient, under the present circumstances of the army, to comply with his request, as it would too much interfere with the arrangements lately established, and be injurious to the rights of other colonels who have been longer in service than Colonel Armand, and being desirous as well to promote the public interest, as to testify their good opinion of Colonel Armand by affording him an opportunity of continuing in the service of the United States."

A letter, of the 17th, from Jacob Morris was read, enclosing one from D. Sproat, commissary general of naval prisoners at New York:

Ordered, That the same be referred to the Board of Admiralty.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 103.

² This letter is in the *Papers of the Continental Congress*, No. 164, folio 408.

A petition from sundry express riders, and one from Jeduthan Baldwin, were read:

Ordered, That they be referred to the Board of War.

A letter, of 22d, from T. Mitchell, was read:

Ordered, That it be referred to the Board of Treasury, to take order.

A report from the Board of Admiralty, respecting Captain Talbot, was read:

Ordered, That it be referred back to the Board to take order.

Congress took into consideration the report of the Medical Committee on the letter from the governor of South Carolina; Whereupon,

Resolved, That Doctor David Oliphant, director general of the hospitals in the State of South Carolina, be and he is hereby directed to make monthly returns to the Medical Committee, agreeable to the resolutions of Congress of the 7th of April, 1777; and that he cause a duplicate thereof to be delivered monthly to the commanding officer, for the time being, in the southern army; and that the director of the general hospitals to the army of the United States be furnished with a copy of this resolution.¹

The report of the committee on the letter of January 13, from the president of the council of Massachusetts Bay, was read:

Ordered, That Monday next be assigned for the consideration of the said report.

Congress took into consideration the motion made by Mr. [John] Mathews, seconded by Mr. [Elbridge] Gerry, viz.

Resolved, That the Board of War be directed to confer with Major General Baron Steuben, respecting the expences of himself and family and report thereon.

¹This report, in the writing of Samuel Holten, is in the *Papers of the Continental Congress*, No. 20, II, folio 381.

On the question to agree to the foregoing resolution, the yeas and nays were required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	ay	} ay	Mr. Fell	no	} *
Folsom,	ay		<i>Pennsylvania,</i>		
<i>Massachusetts Bay,</i>			Mr. Searle,	ay	} ay
Mr. Lovell,	ay	} ay	Muhlenburg,	ay	
Holten,	ay		McLene,	ay	
Partridge,	ay		Shippen,	ay	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	} div.	Mr. Plater,	ay	} div.
Collins,	ay		Forbes,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	ay	} ay	Mr. Griffin,	ay	} ay
Sherman,	ay		<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	ay	} ay
<i>New York,</i>					
Mr. Floyd,	ay	} ay			
L'Homedieu,	ay				

So it passed in the affirmative.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, FEBRUARY 26, 1780

A letter, of the 17th, from Major General Gates, was read, enclosing two papers of intelligence from Canada.¹

Ordered, That the same be referred to the Board of War.

The committee for apportioning the quotas of bills of credit to the different states, brought in a report, which was read:

The Committee to whom was referred a motion made by M^r Mathews for recommending to the States to provide for sinking their quotas of the Continental bills of credit, Report the following resolutions.

Whereas the present fluctuating state of the Paper Currency, is productive of evils which cannot be effectually remedied, without calling in and sinking the whole.

¹ This letter is in the *Papers of the Continental Congress*, No. 154, II, folio 202.

Resolved that the several states be called upon to provide by taxes or otherwise as soon as may be for collecting and paying into the treasury the bills emitted by Congress on the credit of the United States in the following proportions.

New Hampshire	6, 700, 000 Dollars
Massachusetts Bay	29, 000, 000
Rhode Island	5, 000, 000
Connecticut	16, 800, 000
New York	14, 400, 000
New Jersey	10, 700, 000
Pennsylvania	25, 200, 000
Delaware	3, 200, 000
Maryland	19, 000, 000
Virginia	33, 600, 000
North Carolina	16, 800, 000
South Carolina	16, 800, 000
Georgia	2, 400, 000
<hr/>	
Total	200, 000, 000 Dollars

That the said sums shall be credited to the respective states to be hereafter adjusted on the terms fixed by a resolution of Congress of the 6th Day October 1779, and for introducing a stable medium of trade supplying the treasury, and enabling the states to purchase the supplies for carrying on the war.

Resolved that New bills of suitable denominations from one dollar to twenty dollars be emitted on the credit of the United States redeemable with specie within seven years from the date to bear an annual interest of five per cent to be paid to the possessors in specie at the Continental loan office in the respective states the terms of redemption and payment of interest, to be expressed in the face of the bills.

That no greater sums in such bills shall be emitted to be in circulation at any one time than twelve millions of dollars.

That two thirds of the amount of the bills so to be emitted shall be lodged in the Continental loan offices in the several states, in such proportions as the respective states are called upon to pay in of the outstanding bills aforesaid to be delivered out to the respective states to enable them to purchase their quotas of supplies for carrying on the war not faster than at the rate of one dollar for every

twenty five dollars of the bills now in circulation brought into said loan offices to be destroyed.

That it be recommended to the legislatures of the several states to enact laws for establishing sufficient funds for the redemption of their quotas of the bills to be emitted as aforesaid by the time limited for that purpose, and for paying the annual interest in the mean time.

That the monies to be raised for payment of the said interest be paid in to the respective loan offices in each year two months before the interest becomes due and in case of any deficiency in said funds bills of exchange payable in Europe shall be deposited in said loan offices and sold for specie sufficient to supply such deficiency.

That the monies for the redemption of the said bills to be emitted be paid in to the loan offices by the respective states in the bills to be redeemed or in specie at six annual payments, to commence on the first day of January 1782.

That new bills shall be annually struck and lodged in the loan offices, that when persons apply for the interest, they may lodge the old bills to be destroyed and receive new bills of the same tenor in their stead.

That Gold and Silver and the new bills to be emitted as aforesaid, shall be received in lieu of Continental bills of credit now in circulation, in payment of any sums of money or taxes that the several states have been heretofore, or shall be during the current year, called upon to raise for the United States, at the rate of one dollar of the former for ~~twenty-five~~ of the latter.

That all the Continental bills of credit of the present currency that shall be collected or received for the United States, after the new bills are prepared shall be destroyed.

That none of the new bills to be emitted as aforesaid shall be issued from the loan office to any state until such state, hath enacted a law for establishing a fund for the redemption of its quota of said bills and payment of the interest thereon agreeable to the recommendation aforesaid.¹

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 24, folio 205. A draft of the report, in the writing of Thomas Burke, is on folio 211, except the last two paragraphs which are in No. 28, folio 137, being endorsed: "To be considered on Thursday next. March 9, 1780, referred to Mr. [Oliver] Ellsworth, Mr. [Thomas] Burke, Mr. [William Churchill] Houston, Mr. [Robert R.] Livingston, Mr. [Philip] Schuyler, Mr. [Samuel] Holten."

Ordered, That Thursday next be assigned for the consideration thereof.

Sundry reports from the Board of Treasury were read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favor of Mr. John Penn, one of the delegates for the State of North Carolina, on his application, for ten thousand dollars, for which the said State is to be accountable.

That a warrant issue on the treasurer, in favor of Mr. John Mathews, one of the delegates for the State of South Carolina, on his application, for ten thousand dollars, for which the said State is to be accountable.¹

That a warrant issue on the treasurer, in favor of Oliver Ellsworth, Esquire, one of the delegates for the State of Connecticut, on his application, for five thousand dollars, for which the said State is to be accountable.

That a warrant issue on the treasurer, in favor of Mr. E[zra] L'Hommedieu, one of the delegates for the State of New York, on his application, for five thousand dollars, [for] which the said State is to be accountable.

That a warrant issue on the treasurer, in favor of Mr. Roger Sherman, one of the delegates for the State of Connecticut, on his application, for five thousand dollars, for which the said State is to be accountable.

That a warrant issue on the treasurer, in favor of Mr. George Plater, one of the delegates for the State of Maryland, on his application, for eight thousand dollars, for which the said State is to be accountable.²

~~*Resolved*, That Colonel Jeduthun Baldwin be allowed in the payment of the balance due by him to the United States the sum of six thousand four hundred and ninety one dollars.³~~

¹ To this point this report is in the *Papers of the Continental Congress*, No. 136, III, folio 153.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 107.

³ See under February 28, 1780.

TREASURY OFFICE Feb^y 25. 1780

The Board having taken into consideration the memorial of Ebenezer Green One of the hostages left in Canada dated 21st ins^t referred to them by Congress beg leave to report

That the memorialist hath exhibited an account to a considerable amount (exclusive of near eight months support in Canada paid in specie) of his expenses on two journeys from Jersey and Head Quarters to New Hampshire (the place of his abode) and back to Head Quarters in order to get his exchange effected but in vain,

That as no Rule is yet laid down by Congress to determine what allowances shall be made to Hostages for their Expences The Board are of opinion that a sum of money should be advanced Captain Green on account of his Expences and to enable him to make some preparation for his return to New York whither he is called and expects to go in a short time, therefore

Resolved, That a warrant issue on the treasurer, in favor of Captain Ebenezer Green, one of the hostages left in Canada for the performance of the capitulation at the Cedars, for seven thousand dollars; for which sum he is to be accountable.

That a warrant issue on the treasurer, in favor of Jacob Hiltzeimer, on his application, for twenty thousand dollars, to enable him to purchase such forage from time to time, as he shall find necessary for the use of the horses under his care; and for which sum he is to be accountable.

That on the application of James Wilkinson, Esquire, clothier general, countersigned by the Board of War, a warrant issue on Thomas Smith, Esquire, commissioner of the continental loan office for the State of Pennsylvania, for fifty thousand dollars, for the use of the hide department, and for which sum the said James Wilkinson, Esquire, is to be accountable.¹

Adjourned to 10 o'Clock on Monday.²

¹ This report is in the *Papers of the Continental Congress*, No. 138, IV, folio 109.

² George Bond here resumes the entries.

MONDAY, FEBRUARY 28, 1780

A letter, of 23d, from General Washington, and one of the 15th, from General Schuyler, were read.

A letter, of 9th, from the governor of Virginia was read.

A letter, of January 1st, from William Peck, deputy adjutant general, Rhode Island department, was read:

Ordered, That it be referred to the Board of War.

A letter, of 27th, from Lieutenant Colonel Anthony White was read; Whereupon,¹

On motion of Mr. [James] Forbes, seconded by Mr. [John] Fell,

Resolved, That Lieutenant Colonel White be informed Congress have resolved to grant no colonels' commissions in the army of the United States of America; and therefore Lieutenant Colonel White's request cannot be complied with.

On passing the foregoing resolution the yeas and nays were required by Mr. [John] Mathews,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	no	} no	Mr. Searle,	ay	} ay
Folsom,	ay		Muhlenberg,	ay	
Livermore,	no		McLene,	ay	
<i>Massachusetts Bay,</i>			Shippen,	ay	
Mr. Lovell,	ay	} ay	<i>Delaware,</i>		
Holten,	ay		Mr. McKean,	ay	} ay
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Plater,	no	} div.
<i>Connecticut,</i>			Forbes,	ay	
Mr. Huntington,	ay	} ay	<i>Virginia,</i>		
Sherman,	ay		Mr. Griffin,	no	} no
<i>New York,</i>			<i>South Carolina,</i>		
Mr. L'Hommedieu,	no	} no	Mr. Mathews,	no	} no
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Clark,	ay				

So it passed in the affirmative.

¹ Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 423; Schuyler's is in No. 153, III, folio 511; that of the governor of Virginia in No. 71, I, folio 315; that of White in No. 78, XXIV, folio 187.

A letter, of the 1st instant, from E. Hazard was read, enclosing one from P. Colt to Jos. Baker, assistant commissary of purchases at Westborough.

Ordered, That the letter from P. Colt, together with so much of Mr. Hazard's, as respects it, be referred to the Board of War.

A report from the Board of Admiralty, relative to Captain Talbot, was read.

ADMIRALTY OFFICE *February 28th, 1780*

The Board of Admiralty to whom was referred a letter from Captain Talbot relative to a prize taken from him by three brigantines belonging to Philadelphia, have made enquiry into the matter and caused Council learned in the Law to be consulted thereon and find that the expences of prosecution to final judgment will amount to between forty and fifty thousand Dollars. They are therefore of opinion that Congress do not institute an action against the offenders; but that they relinquish to Captain Talbot and the other officers and seamen belonging to the sloop *Argo* all the damages they may recover against them in case Captain Talbot shall at his own expence think proper to commence a prosecution.¹

A report from the Board of War, respecting an allowance of specie to prisoners with the enemy, was read.²

The order of the day being called for, to determine the place to which Congress will on the last Saturday in April adjourn,

A motion was made by Mr. [Roger] Sherman, seconded by Mr. [Cyrus] Griffin,

That the consideration thereof be postponed to the second Monday in March next.

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 197, endorsed: "Read February 28, 1780; postponed, *sine die*." Silas Talbot's letter dated "On board the Continental Sloop of War, *The Argo*, in Newport Harbor, the 11th November, 1779," is addressed to Henry Marchant. It is in the *Papers of the Continental Congress*, No. 37, folios 193-205.

² See *ante* January 5, 1780. A copy of the report is in the *Papers of the Continental Congress*, No. 147, IV, folio 199.

On which the yeas and nays were required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Peabody,	no	Mr. Searle,	no
Folsom,	no	Muhlenberg,	ay
Livermore,	no	McLene,	no
<i>Massachusetts Bay,</i>		<i>Delaware,</i>	
Mr. Lovell,	no	Mr. McKean,	no
Holten,	ay	<i>Maryland,</i>	
<i>Rhode Island,</i>		Mr. Plater,	ay
Mr. Ellery,	no	Forbes,	ay
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Huntington,	no	Mr. Griffin,	ay
Sherman,	ay	<i>North Carolina,</i>	
Ellsworth,	ay	Mr. Penn,	no
<i>New York,</i>		Burke,	no
Mr. Floyd,	ay	<i>South Carolina,</i>	
L'Hommedieu,	ay	Mr. Mathews,	ay
<i>New Jersey,</i>			
Mr. Fell,	ay		
Clark,	ay		

So it was resolved in the affirmative.

Ordered, That Wednesday next be assigned for taking into consideration the report of the committee on the quarter master's department.

A report from the Board of War was read; Whereupon,
Resolved, That Lieutenant Colonel Baldwin, and the officers of the several companies of artificers that were incorporated on the 12th of November last and put under his command, and who were in service before that day, be allowed the increased subsistence of one hundred dollars per month for each retained ration, in like manner as the same has been allowed to officers in the line, by virtue of the resolution of Congress of the 18th of August last, for such time as they were in service subsequent to the day last mentioned.¹

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 179.

A report from the Board of Treasury was read; Whereupon,

The Board of Treasury having taken into their consideration the memorial of Col^o Jeduthun Baldwin Engineer in the service of the United States of the 16 of Feb^r referred to them by Congress beg leave to report.

That this Board are possessed of the settlement of Col. Baldwin's account from the Commissioners of accounts at Albany in which they charge the loss of the money mentioned by the memorialist upon this ground; that it was not necessary in their opinion, that Col. Baldwin, tho' possessed of a proper warrant from the Commander in Chief of the Department (as he was in a fortified place and where there was a Military Chest) to have drawn so considerable a sum before the calls upon him made it necessary, and contrary to what had been his usual practice.

That if he had forbore to draw but as he was necessitated to pay, this loss would not have happened, as the Military Chest was preserved in the retreat from Ticonderoga. Col. Baldwin on his part adduces proofs which as he alledges were not laid before the Commissioners, that he received the money on his warrant on the 22^d day of June, only twelve days before the retreat, that on the evening before the evacuation, he applied to Gen^l S^t Clair who commanded the garrison, and informed him of his having a sum of public money in his possession, who advised him to send it with the Military Chest. It appears also from the testimony of Oliver How who lived with Col: Baldwin that at Skeensborough he helped Col: Eyres to get the Chest out of the Boat, that however on the sudden approach of the enemy, and being fired upon they were obliged to abandon the Chest without opening it to take away the two or three quires of money and other things which he saw the said Col: put into it (he himself having assisted in packing the Chest) and that it fell into the hands of the enemy. From all which circumstances strengthened by the affidavit of the said Baldwin to the facts alledged: The Board are of opinion that the loss should be sustained by the public, as all possible means in the power of said Baldwin appears to have been taken for the preservation of the money, and that had these proofs appeared before the Commissioners of Accounts, they would probably have allowed his claim, and therefore the Board propose it to be

Resolved, That Lieutenant Colonel Baldwin be allowed, in the payment of the balance due by him to the United States, the sum of six thousand four hundred and ninety one dollars, being monies which fell into the hands of the enemy, at Skeensborough, without his default.¹

Sundry other reports from the Board of Treasury were read; Whereupon,

Ordered, That on the application of Jonathan Burrall, a warrant issue on the treasurer, in his favor, on account of William Palfrey, Esquire, paymaster general, for three hundred thousand dollars, to be by him transmitted to Thomas Read, deputy paymaster general at New Windsor, for the payment of the troops at Peekskill and West Point; and for which the said William Palfrey is to be accountable.²

That on the application of Charles Pettit, assistant quarter master general, the following warrants issue in his favor, on account of Major General Greene, quarter master general, for the use of his department; and for which he is to be accountable; viz.

One on Joseph Clarke, Esquire, treasurer of the State of Rhode Island, for eighty thousand dollars.

One on George Webb, Esquire, treasurer of the State of Virginia, for one hundred and fifty thousand dollars.

One on Samuel Patterson, Esquire, treasurer of the State of Delaware, for fifty thousand dollars.

And one on Gerardus Bancker, Esquire, treasurer of the State of New York, for one hundred thousand dollars, being part of the monies raised in the said states respectively, for the use of the United States.³

That on the application of Thomas Bradford, deputy commissary of prisoners, a warrant issue on the treasurer, in his favor, on account of Colonel John Beatty, commissary general

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 105.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 101.

³ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 95.

of prisoners, for fifteen thousand dollars, for the use of that department, and for which the said commissary general is to be accountable.¹

Adjourned to 10 o'Clock to Morrow.

TUESDAY, FEBRUARY 29, 1780

A letter, of 20th, from Colonel Samuel Atlee was read:

Ordered, That the same be referred to the Board of Treasury.

A letter, of 25th December, last, from James Green, Junior, was read: ²

Ordered, That it be referred to the Board of Treasury.

The Board of War to whom was referred the letter from General Irvine, of the 23d ultimo brought in a report, which was read; Whereupon,

Resolved, That the letter from General Irvine, of the 23d of January, relative to his rank, be referred to the Commander in Chief; and that he be authorized to direct the necessary enquiry into General Irvine's claim, and finally settle the same.³

A report from the Board of War was read, respecting Baron Steuben:

AT A BOARD OF WAR February 28, 1780

Present Col Pickering, M^r Peters, Col Grayson

In obedience to the direction of Congress, of the 25th instant, the board have conferred with Major General Baron Steuben respecting his expenditures, and beg leave to inform Congress, that it appears he has disbursed the sum of two hundred and fifty Louis d'ors in his preparations and voyage to America, and that since his arrival, and during his continuance in the service of the United States, he has expended the farther sum of five hundred and forty six Louis d'ors.

They therefore beg leave to report,

That Major Gen^l Baron Steuben, be allowed the sum of two hundred and fifty Louis d'ors in bills of exchange, for reimbursing him the expenses of himself and family in coming to America.

¹This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 93.

²This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 187.

³This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 191.

That the farther sum of five hundred and forty six Louis d'ors in bills of exchange be advanced to him, for which he is to be accountable.¹

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Robert R.] Livingston, Mr. [Thomas] McKean, and Mr. [Oliver] Ellsworth.

The committee for supplying the treasurer delivered in a report, which was read:

Whereas the Continental Bills, notwithstanding every effort to restore their credit, continue in a state of depreciation, whereby not only great injustice takes place, and commerce is embarrassed, but our military operations are obstructed and the necessary supplies for continuing them are not ascertainable in those bills therefore

Resolved, that the States be immediately called on to make provision for sinking by taxes ~~loans, exchange or otherwise~~
~~Passed.~~ ~~in the course of the present year~~ their quotas of all the continental bills of credit now in circulation, viz.

~~Agreeably to the Resolution~~
~~of the 2d of January 1779~~

}	New Hampshire
	Massachusetts
	Rhode Island
	Connecticut
	New York
	New Jersey
	Pennsylvania
	Delaware
	Maryland
	Virginia
	North Carolina
South Carolina	
Georgia	

200,000,000.

That the States be charged in debt for their said quotas in Spanish Milled Dollars at the exchange of 40 for 1 with interest from this day at the rate of 6 per cent. per annum, and be credited in Spanish Milled Dollars, at the same rate of Exchange for the said bills as they shall bring them in to be destroyed.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 195.

That it be recommended to the States as said Bills shall be drawn out of circulation to emit bills on their own credit, redeemable in specie, within 7 years, not exceeding on any account their respective quotas of ten Million Dollars, nor to be issued more than $\frac{1}{10}$ part so fast as the other bills shall be brought in to be destroyed, and that they establish sufficient funds for the redemption of the bills they shall so emit.

That as a still farther security to their credit, it be also recommended to the States either to annex to their said bills an annual interest in specie, or to establish and keep open at all times Loan offices to receive them at par with specie and on an interest payable also in specie as they shall judge most proper.

That the bills which shall be emitted with the restrictions and securities aforesaid, and the same being duly notified to Congress, shall be receivable in all payments in the Continental Treasury, and,

That should it so happen that any State, at the time limited for the redemption of its said bills should be rendered incapable thereof by being in the possession of the common enemy, its said bills shall be punctually redeemed or paid off by the United States and charged to such State until able to repay the same.

That the States be called on to pay into the Continental Treasury monthly for 8 months commencing with the 1st day of May next, their quotas of 500,000 Doll^{rs} in specie or the aforesaid bills to be emitted which quotas and those of the bills to be emitted, to be in like proportion as the assigned quotas of the bills to be sunk.¹

Ordered, That the same be taken into consideration on Thursday next.

The committee, to whom was referred the motion of Mr. [Thomas] McKean, brought in a report, which was read.

Congress took into consideration the report of the committee on the letter of January 13th, from the president of the council of Massachusetts Bay; Whereupon,

Resolved, That the president of the council of Massachusetts Bay be informed, in answer to his letter of the 13th of January last, that all grants and allowances, of what name or nature soever, made by Congress to the officers and soldiers of

¹ This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 26, folio 141.

the continental army, in addition to their pay, rations or bounties, since the first day of January, 1777, (except for extra services, or expences in special cases) were made in consideration of the enhanced prices of the necessaries of life, in consequence of the depreciation of the paper currency, and ought to be accordingly considered in making good the original contract.¹

Previous to passing the foregoing resolution,

A motion was made by Mr. [James] McLene, seconded by Mr. [Roger] Sherman, to strike out "in making good the original contract." On the question, shall the words moved to be struck out stand,

The yeas and nays were required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Peabody,	ay	} ay	Mr. Searle,	no	} no	
Folsom,	ay		Muhlenberg,	no		
Livermore,	ay		McLene,	no		
<i>Massachusetts Bay,</i>			<i>Delaware,</i>			
Mr. Lovell,	ay	} ay	Mr. McKean,	no	} no	
Holten,	ay		<i>Maryland,</i>			
Partridge,	ay		Mr. Plater,	no	} no	
<i>Rhode Island,</i>		Forbes,	no			
Mr. Ellery,	ay	} ay	<i>Virginia,</i>			
<i>Connecticut,</i>			Mr. Griffin,	ay	} ay	
Mr. Huntington,	ay	} ay	<i>North Carolina,</i>			
Sherman,	no		Mr. Burke,	no	} *	
Ellsworth,	ay		<i>South Carolina,</i>			
<i>New York,</i>			Mr. Mathews,	ay	} ay	
Mr. Livingston,	ay	} no				
Floyd,	no					
L'Hommedieu,	no					
<i>New Jersey,</i>						
Mr. Fell,	no	} no				
Houston,	ay					
Clark,	no					

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 20, I, folio 53.

So it passed in the affirmative.

Congress took into consideration the report of the committee on Mr. [Thomas] McKean's motion to recommend to the several states an alteration of the laws of tender; and after some debate,

Ordered, That the farther consideration thereof be postponed.

A motion was then made by Mr. [Oliver] Ellsworth, seconded by Mr. [Thomas] Burke, and the same being some time under consideration,

Resolved, That to morrow be assigned for the farther consideration thereof.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MARCH 1, 1780¹

The delegates from the State of Connecticut laid before Congress the credentials of their appointment, which were read as follows:

At a General Assembly of the Governor and Company of the State of Connecticut in America holden at Hartford by Adjournment and special Order of His Excellency the Governor; on the 6th Day of January Anno Dom: 1780.

Resolved by this Assembly That the Honb^{le} Samuel Huntington, Oliver Ellsworth, Eliphalet Dyer, Oliver Wolcott, Roger Sherman, Benjamin Huntington and Jesse Root Esquires be and they are hereby appointed DELEGATES to represent this State in the Congress of the United States of America until the first Monday of Novemb^r next; two of said Delegates to represent this State in Congress, and not more than four to attend at one Time on the Charge of this State, any RESOLVE of this Assembly to the contrary notwithstanding. And the said Delegates, or any two or more of them are hereby Invested with full power and Authority to Deliberate Council and Resolve upon all matters that shall come before Congress, agreeable to the Articles of Confederation assented to and ratified by this State, or in the manner hitherto used untill said Articles of Confederation are compleated and

¹ From here the entries are in Thomas Edison's writing.

have full efficacy from the assent and ratification of the other States. And the Delegates aforesaid or such of them as shall attend in Congress are directed from Time to Time to transmit authentick Copies of their Acts and Resolves to this Assembly.

A true Copy of Record

Examin^d

By GEORGE WYLLYS *Secret*¹

A memorial from Mr. Thomas McKean was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of this day, from John Nicholson was read:

Ordered, That the same be referred to the Board of Treasury, to take order.

A memorial from John Chevalier and Adrian Renaudet, executors of the estate of Peter Chevalier, deceased, was read:²

Ordered, That it be referred to the Board of Treasury.

Two letters, of February 4th and 14, from Philip Turner, were read:

Ordered, That they be referred to the Medical Committee.

A letter, of February 28th, from General Arnold was read:³

A report from the Board of War was read; Whereupon,

WAR OFFICE, *Feby 29 1780*

SIR

The Board reported on the case of the Chevalier de Vaudoré & Congress were pleased to negative that report. We have reexamined into the case and character of Monsieur Vaudoré and find that he is a very worthy man and has behaved himself with gallantry and activity on several occasions, particularly at the capture of Major Bearmore he was with Col: Armand, and entered the house wherein the Major was lodged the first after Col: Armand. He has served entirely at his own expense by which he is reduced to absolute poverty & as he is a Lieut. in a French regiment, policy seems to

¹ The original is in the *Papers of the Continental Congress*, Connecticut, *Credentials of Delegates*.

² McKean's memorial, dated March 1, 1780, is in the *Papers of the Continental Congress*, No. 41, VI, folio 167; Nicholson's letter is in No. 78, XVII, folio 107; Chevalier and Renaudet's memorial, dated February 28, 1780, in No. 41, II, folio 102.

³ This letter is in the *Papers of the Continental Congress*, No. 162, folio 197.

demand that he should be treated as an officer, and that being really deserving, he should not go home disgusted.—We have therefore taken the liberty, at his pressing solicitation, to report to Congress in another form, and beg leave to request that it be

Resolved, That although Congress have been informed of the good conduct and character of the Chevalier de Vaudoré, who has served with reputation the last campaign, in the corps commanded by Colonel Armand, the circumstances of the army will not admit of his being promoted:

That he receive the pay and subsistence of a lieutenant of dragoons, during the time of his service in America, and the sum of 2000 dollars to enable him to return to France.¹

Resolved, That Mr. [William] Floyd at his request be excused from any farther attendance on the Treasury, and that a member be appointed in his room:

The member chosen, Mr. [Thomas] Burke.

On motion of Mr. [Thomas] Burke, seconded by Mr. [John] Mathews,

Resolved, That no member of Congress shall be considered as duly elected to the Board of Admiralty, Board of Treasury, or Board of War, unless he shall have seven votes at least.

Congress took into consideration the report of the Board of Admiralty, to whom was referred a letter from Captain Silas Talbot, and some time being spent thereon:

Resolved, That the farther consideration thereof be postponed.

On motion of Mr. [Thomas] Burke, seconded by Mr. [William] Ellery,

Resolved, That any interest the United States may have in the capture of the brigantine *Betsey*, by the sloop *Argo*, Silas Talbot, commander, be relinquished to the said Captain Talbot, and the officers, seamen, and marines under his command at the time of the capture.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 203.

Resolved that Congress will on Wednesday the fifteenth of March Instant proceed to elect a Commissioner or Commissioners for the Board of Treasury unless in the mean time all those already elected shall have signified their acceptance.¹

Adjourned to 10 o'Clock to Morrow.²

THURSDAY, MARCH 2, 1780

The committee, to whom was referred the letter from the Board of War, of the 31 January last, and the two letters from Mr. Holker, relative to the supplies necessary for the use of the fleet of his Most Christian Majesty, brought in a report, which was read:

Ordered, That it be re-committed.

Ordered, That a member be added to the committee in the room of Mr. [Nicholas] Van Dyke, who is absent.

The member chosen, Mr. [Roger] Sherman.

On motion of Mr. [Nathaniel] Peabody, seconded by Mr. [Robert R.] Livingston,

Resolved, That Tuesday next be assigned for taking into consideration the disputes and differences relative to the jurisdiction of the States of New York, Massachusetts Bay, and New Hampshire, or such of them as have passed laws agreeable to a recommendation of Congress of the 24 of September last, on the one part, and the people of a certain district of country called the New Hampshire Grants, who claim to a separate jurisdiction, on the other part.³

¹ This motion, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 36, I, folio 63a. The endorsement shows that it was postponed.

² Charles Thomson resumes the entries from this point.

³ In the *Papers of the Continental Congress*, No. 36, IV, folio 337, is the following motion, in the writing of Nathaniel Peabody:

Resolved that the agents from the States of New York, Massachusetts Bay and New Hampshire or such of them as have passed laws agreeable to the recommendation of Congress of the 24th day of Sept. last respecting the jurisdiction of a certain district of country called the New Hampshire Grants be heard to-morrow upon that subject agreeable to the spirit of the aforementioned resolutions.

It is endorsed "Motion by Mr. Peabody, 2^d Mr. Fullsoms."

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the Board of Admiralty, for one hundred thousand dollars, for paying the artificers in the continental ship yard, the salaries of the commissioners of the navy board of the middle district, and other contingencies; for which sum the said Board of Admiralty is to be accountable.¹

That a warrant issue on the treasurer, in favour of the delegates for the State of New Hampshire, on their application, for six thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favor of Richard Phillips, steward to the President of Congress, for five thousand dollars, for which he is to be accountable.

Ordered, That so much of the report as relates to a grant in favour of Benjamin Flower, commissary general of military stores, be re-committed, together with the letter of the Board of War.

That so much of the report as relates to a grant to Henry Gurney be re-committed, to take order thereon.

The committee, to whom were referred the memorial from the auditors of the army, the commissioners of the chambers of accounts, and the clerks of the Board of Treasury, &c. delivered in their report.

According to order, Congress took into consideration the reports of the committees on the motion of [Mr. John] Mathews, and for supplying the Treasury:

Ordered, That they be referred to a Committee of the Whole.

Congress thereupon was resolved into a Committee of the Whole, to consider the reports referred to them, and after some time, the President resumed the chair, and Mr. [George]

¹ This report is in the *Papers of the Continental Congress*, No. 136, III, folio 151.

Plater reported that the committee have had under consideration the reports referred to them, and made some progress therein, but not having come to a conclusion, desire leave to sit again.

Resolved, That to morrow Congress be resolved into a Committee of the Whole, to consider farther the reports referred to them.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MARCH 3, 1780

A letter, of 2, from Joseph Carleton, secretary of the Board of Ordnance and paymaster to the Board of War and Ordnance, was read:¹

Ordered, That it be taken into consideration at the time the report of the committee on the memorials of the auditors of the army, &c. is considered.

A letter, of 2, from Charles Pettit, assistant Q. M. G. was read, with sundry papers enclosed:²

Ordered, That the same be referred to the committee on General Greene's letter, of 12 December last.

According to order,

Congress was resolved into a Committee of the Whole, to consider farther the reports referred to them, and after some time spent thereon, the President resumed the chair, and Mr. [George] Plater reported that the committee have had under their farther consideration the reports referred to them, but not having come to a conclusion, desire leave to sit again.

Resolved, That to morrow Congress be again resolved into a Committee of the Whole, to consider farther the reports referred to them.

The Board of Treasury brought in a report; Whereupon,

¹ This letter is in the *Papers of the Continental Congress*, No. 60, folio 7.

² This letter is in the *Papers of the Continental Congress*, No. 192, folios 281 and 289.

Ordered, That a warrant issue on the treasurer, in favour of Major Joseph Lane, of the 3d Georgia regiment, charged with dispatches to the southern department, for three thousand six hundred dollars, to be placed to the account of Joseph Clay, Esquire, deputy pay master general in that department, who is to be furnished with a copy of this order, and to have Major Lane's account settled by the auditors of the army there.¹

On motion of Mr. [Samuel] Holten, seconded by Mr. [James] McLene,

Resolved, That a committee of five be appointed to prepare and report a recommendation to the several states to set apart the last Wednesday in April next as a day of fasting, humiliation and prayer.

The members chosen, Mr. [Robert R.] Livingston, Mr. [Roger] Sherman, Mr. [Thomas] McKean, Mr. [William Churchill] Houston and Mr. [James] Lovell,

Adjourned to 10 o'Clock to Morrow.

SATURDAY, MARCH 4, 1780

Petitions from sundry soldiers at Wyoming were laid before Congress.²

Ordered, That they be referred to the Board of War.

A memorial from Mr. Holker was read, respecting loan office certificates burned at the late fire at Mr. [John] Penn's house.

Ordered, That it be referred to the Board of Treasury.

A letter, of February 1, from David Avery, chaplain to the late Learned's brigade, was read, requesting leave, on account of his ill state of health, to resign:³

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 113.

The rest of the entries for this day are in George Bond's writing.

² These petitions, one of February 16, two of 17, and three of 18, are in the *Papers of the Continental Congress*, No. 147, IV, folios 215-237.

³ This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 345.

Resolved, That his resignation be accepted.

A letter, of October 7, 1779, from the Marquis de la Fayette, was read.¹

A letter, of October 4, 1779, with a postscript of 28th of the same month, from B. Franklin, minister plenipotentiary at the Court of France, was read, enclosing a copy of his letter to the Marquis de la Fayette, with the sword ordered to be presented to him, the Marquis' answer, a description of the sword with the devices thereon; an engraving of the monument ordered to be erected to the memory of General Montgomery; two invoices of goods shipped on board the *Thérèse*, 1777; a memoir of Count Mallebois; a journal of the cruises of the *Black Prince*; and a journal of the cruise of Commodore Paul Jones, in which he captured the *Serapis* and *Countess of Scarborough*, men of war; a memoir of two gunners, late belonging to the frigate *Boston*, Captain Tucker; and the claim of some French seamen, who belonged to Captain Cunningham, for wages and prize money:²

Ordered, That the letter be referred to the Committee of Intelligence:

That the two invoices with so much of the letter as relates thereto, be referred to the Committee of Commerce:

That the memoir from Count Mallebois, with so much of the letter as relates to it, be referred to the Board of War:

That the journals enclosed, the memoir of the gunners, and the claim of the French seamen, with so much of the letter as relates to them, be referred to the Board of Admiralty.

The Committee of Foreign Affairs laid before Congress three letters from A. Lee, one dated September 19th, one October 13; and the other, October 21, 1779;

¹ This letter is in the *Papers of the Continental Congress*, No. 156, folio 95.

² The letter and postscript are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton,) III, 361. An autograph draft of the letter is in the *Franklin Papers*, III, 551. A description of the sword and drawings of the designs are in the *Papers of the Continental Congress*, No 59, I, folios 33, 37 and 38.

One from R. Izard, September 29, 1779;

One from B. Franklin, October 17, 1779, which were read:¹

Ordered, That they be returned to the committee.

A memorial from Jonathan Williams, Junior, was read, accompanied with a copy of his accounts:

Ordered, That the same be referred to the Board of Treasury.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Samuel] Holten, that it be resolved,

That the thanks of Congress be returned to Captain Paul Jones and the officers and seamen of the squadron under his command, for their brave and spirited conduct in the engagement with the *Serapis* and *Countess of Scarborough*, ships of war, on the day of last; and for the services rendered to the common cause in the late expedition to the coast of Great Britain; Whereupon,

It was moved by Mr. [William Churchill] Houston, seconded by Mr. [James] McLene, that the foregoing motion be referred to the Board of Admiralty; on which the yeas and nays being required by Mr. [John] Mathews,²

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Peabody,	ay	} ay	Mr Floyd,	ay	} ay
Folsom,	ay		L'Hommedieu,	ay	
<i>Massachusetts Bay,</i>			<i>New Jersey,</i>		
Mr. Lovell,	ay	} ay	Mr. Fell,	ay	} ay
Holten,	no		Houston,	ay	
Partridge,	ay		Clark,	ay	
<i>Rhode Island,</i>			<i>Pennsylvania,</i>		
Mr. Ellery,	ay	} ay	Mr. Searle,	ay	} ay
<i>Connecticut,</i>			Muhlenberg,	ay	
Mr. Huntington,	ay	} ay	Shippen,	ay	
Sherman,	ay		McLene,	ay	
Ellsworth,	ay				

¹ Lee's letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) III pp. 329, 377, 390; Izard's on p. 350; Franklin's on p. 384. An autograph draft of Franklin's letter is in the *Franklin Papers* III, 562.

² The rest of the entries for this day are in George Bond's writing.

<i>Delaware,</i>			<i>North Carolina,</i>		
Mr. McKean,	no	} no	Mr. Penn,	no	} no
<i>Maryland,</i>			Jones,	no	
Mr. Plater,	no	} *	<i>South Carolina,</i>		
<i>Virginia,</i>			Mr. Mathews,	no	} no
Mr. Griffin,	ay	} ay			

So it passed in the affirmative.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *Feby. 26, 1780*

Present Mr Peters, Col^o Grayson

Gen^l Du Portail having represented, that Mr Nevin, who was appointed a Captain in the companies of Sappers and Miners, by the resolution of February the 7th 1780, has acted as Captain in the engineering department, from the 25th of April 1779 and that he should be commissioned as such.

Resolved, That Mr. Nevin be appointed a captain of engineers, to rank from the 25th of April, 1779.¹

AT A BOARD OF WAR *March 4. 1780*

Present Col Pickering, Mr Peters, Col Grayson

Gen^l Du Portail and Col Armand having represented to the board, that the Chev. Bonnevalle, a young gentleman of merit, has served three years as a volunteer in the army of the United States, with reputation, The Board beg leave to report

That the Chevalier Bonnevalle be appointed to the rank of ensign in the army of the United States.²

On motion of Mr. [Thomas] Burke, seconded by Mr. [Roger] Sherman,

Resolved, That the Board of Treasury be directed to suspend the sale of any more bills of exchange, till the further order of Congress.

The committee on letters from Major General Greene, delivered in a report.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 187.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 207.

The Committee to whom was referred the several letters from General Greene report the following draught of a letter in answer.
SIR:

Congress have resolved to call on the States for quotas of necessary articles to be laid up in magazines ready for the public exigencies and on the exertions of the States they must rely. But as sometime must intervene before supplies to be obtained in this way can be brought into use, and before any new arrangement of the Quartermaster General's Department can be compleated, they think it inexpedient that you should resign, and they wish you to continue making every possible exertion for forwarding the preparations for the next campaign, by every means which may be in your power.

Nothing can be more desirable to Congress than to have it in their power to put the public officers in a condition to perform their contracts and to compleat the necessary preparations. They are sensible of the importance of those assigned to your office and of the causes whence your difficulties arise but they have not been able to avail themselves of the resources of the United States to such a degree as to be entirely effectual, tho' they know them to be abundantly sufficient for the purposes of a vigorous defence of our country, the arrangements made for calling them out to public use will necessarily take sometime in the operation. The Congress hope that taxes will shortly be productive of money sufficient to pay off all the contracts made in the meantime for supplies, and to that use the first application thereof shall be appropriated. Congress desire as soon as possible to be furnished with a list particularly stated of all the debts due from your Department.

~~The Congress cannot admit that the necessary supplies of the produce of the country should be wanting while they abound every where in such plenty. Nor will they entertain an opinion so disgraceful to their Constituents as that of their refusing to sell them to the public officers on a reasonable credit when it is so apparent that their safety so much depends on the due supplying of the Army, and that it is extremely dangerous to their affairs to involve Congress in the necessity of having recourse to extraordinary expedients for supporting the public finances; but should Congress in this be mistaken, you are always to remember that the supplying of the Army is of so much importance to the affairs of the United States, that it must be done at~~

~~all events. And if you must have recourse to extraordinary measures, you are to be particularly careful that every thing else has been previously attempted, and that your necessity is evident and unavoidable, and that no abuses be permitted, also that you put the persons who shall supply you in a situation to demand payment at a reasonable market price.~~

With regard to your Deputies and Assistants, Congress have under consideration a new arrangement of your Department, which will be soon compleated.

All which is submitted to Congress

THO^s BURKE, *Ch^r*.¹

Adjourned to 10 o'Clock on Monday.

MONDAY, MARCH 6, 1780

Mr. J[ohn] Morin Scott, a delegate from the State of New York, attended and took his seat in Congress.

A letter, of 24 February, from the governor of New York, and one, of 29 January, from Major General Lincoln, were read.

A letter, of 25 February, from J. Beatty, commissary general of prisoners, was read, requesting leave to resign.²

Ordered, That it be referred to the Board of War.

A memorial of Ebenezer S. Platt was read.³

Ordered, That it be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Mr. J[ames] Lovell, one of the delegates for the State of Massachusetts Bay, on his application, for nine thousand dollars, for which the said State is to be accountable.

¹ This report is in the *Papers of the Continental Congress*, No. 19, II, folio 445.

² The letter from the governor of New York is in the *Papers of the Continental Congress*, No. 67, II, folio 234; that of Lincoln is in No. 158, folio 313; that of Beatty in No. 78, III, folio 437.

³ This memorial, dated March 6, 1780, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 100.

That a warrant issue on the treasurer, in favour of Mr. J[ames] Forbes, one of the delegates for the State of Maryland, on his application, for eight thousand dollars, for which the said State is to be accountable.¹

The Board of Treasury, to whom was referred the letter of William Smith, of Baltimore, dated the 10th February, respecting the payment of interest due on loan office certificates, issued in the State of Georgia, report as their opinion,

That the said interest cannot be regularly discharged, except by the person who is possessed of the books of the office, and by whom alone they can be checked; and that as the government of the said State is now again in operation, and it cannot be doubted that the business of the loan office is revived and regularly carried on, the certificates ought to be presented there.

Resolved, That Congress agree to the said report.²

The committee, to whom was re-committed their report on the letters from the Board of War and Mr. Holker; and

The committee, to whom was referred the report from the Board of War, respecting Baron Steuben, delivered in their respective reports.

The committee to whom was referred the Letters from the Board of War of the 31st of January last, and the two Letters from Mr. Holker relative to the supplies necessary for the use of the Fleet of his most Christian Majesty, beg leave to report the following Resolutions:

Resolved, That the Board of War give the necessary directions for replacing out of the publick stores, as soon as a sufficient quantity can be spared, the flour borrowed of Mr. Holker, agent for the Marine of France in the year 1779, for the use of the United States.

Resolved, That the Legislature of the State of Maryland be requested to deliver to Mr. Holker or his agent on or before the first day of May next, out of the quantity of flour called for by the Resolution of the

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 115.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 113.

25th of February last, such a quantity as, with what hath been already purchased and now in the Possession of Mr. Holker's agent in Maryland, will compleat the quantity of 15,000 Barrells, for the Marine of France.

Resolved, That the Legislature of the State of Pennsylvania be requested to deliver to Mr. Holker or his agent, on or before the first day of May next, as a part of the supplies called for by the said Resolutions of the 25th of February last, 6,000 Barrells of flour, 600 Barrells of Pork and 200 barrells of Beef for the use of the Marine of France.

~~*Resolved*, That the Legislature of the State of New York be requested to deliver to Mr. Holker or his agent, on or before the first day of May next, out of the supplies called for from that state 1000 barrells of flour for the above purpose.~~

Resolved, That the Legislature of the State of Connecticut be requested to deliver to Mr. Holker or his agent on or before the first day of May next as part of the supplies called for from that State, 1000 Barrells of Pork and 1,555 barrells of flour for the above purpose.

Resolved, That the above supplies when delivered be charged to Mr. Holker in account with the United States, in Specie at the Prices fixed in the said Resolutions of the day of February last.

~~*Resolved*, That in Case the States of Maryland New York and Connecticut will furnish the above supplies for the Royal Marine of France over and above their Quota called for by the Resolution of that Congress will pay for the same in Specie or other money Equivalent in Value at the prices fixed in the said Resolutions of the of February last.~~

~~*Resolved*, That in case the said States will furnish the supplies requested of them as aforesaid over and above their Quotas called for by the Resolution of the Day of February, they shall be paid for the same in Specie or other money equivalent at the Prices fixed in the said Resolutions of the Day of February last.~~¹

The Committee to whom was referred the report of the Board of War of the twenty eight Feb^r last, relative to the expenditures of Maj^r Gen^l Steuben, having considered the same, humbly report the following state of facts

1st That Maj^r Gen^l Steuben appears to have been an officer of high rank in the Prussian service where his military talents were

¹ This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, III, folio 147.

improved by twenty years' experience and several active campaigns under his Prussian Majesty.

2^d That he was warmly recommended to the Com^{rs} of the United States at Paris by the Comte de Vergennes and the Comte D'S^t Germain; that he embarked for America without any lucrative views as far as your Committee are enabled to judge from the whole tenor of his conduct, more particularly from his having made no contract of any kind with the Com^{rs} at Paris.

3^d That since his appointment to the inspectorship he has greatly improved the discipline of the Army of the United States and introduced many regulations and manœuvres equally useful and new.

4th That his conduct has received the highest approbation of Gen^l Washington, a considerable share of whose confidence he appears to enjoy.

5th That he has received no compensation from Congress for the expenses of his voyage or his other expenditures since his arrival except an advance of 500 dollars and his appointments as a Maj^r General, both of which have fallen considerably short of his necessary expenditures.

6th That his continuance in the army of the United States will probably be attended with important advantages in perfecting the discipline which he has already introduced.

Upon this state of facts the Committee beg leave to report the following resolution:

Whereas, Maj^r Gen^l Steuben hath rendered essential services to the cause of America by the introduction of several improvements in military discipline and by his assiduous attention to the duties of his department,

And, Whereas, Congress are desirous of expressing their sense of those services and of the disinterested manner in which they were tendered, as well as to replace the sums of money that he has expended while in their employ, and to make up the deficiencies of his pay,

Resolved, That one thousand pounds sterling in bills of exchange to be drawn on M^r Jay agreeable to the resolution passed the day of last be paid to Maj^r Gen^l Steuben for the purposes afores^d

ROB^t R. LIVINGSTON *Chairman*¹

¹ This report, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 19, V, folio 509. It is endorsed by Charles Thomson: "Delivered in March 6, 1780. Postponed."

On motion of Mr. [John] Mathews, seconded by Mr. [Allen] Jones,

Resolved, That the governors of Virginia, North Carolina, and South Carolina, be requested to use their utmost exertions in filling up their continental battalions, and that the men, as they can be from time to time collected, to the number of fifty, be forwarded to join the southern army; that, in the mean time, the said states be requested to raise a body of militia, to join and serve in the southern army until the first day of January next, unless sooner relieved by their respective quotas of continental troops, or otherwise discharged.

Resolved, That the Commander in Chief be directed to order the quotas of provisions, &c., of the States of Virginia and North Carolina (excepting long and short forage and tobacco) agreeable to the act of Congress of the 25 of Feby last, to be forwarded to the southern army in such manner as shall appear to him most expedient.

Resolved, That the Board of Treasury be directed to report the proper means for supplying the military chest of the southern army.

Resolved, That Gen^l Du Portail be directed to repair to the State of South Carolina with all possible expedition, and join the southern army, and *act either with the main army or in the immediate defence of Charlestown, as shall appear to him to be most conducive to the public service.*¹

Sundry resolutions relative to the southern army being moved by Mr. [Thomas] Burke, seconded by Mr. [John] Mathews:

Ordered, That they be referred to the Board of War.

The Committee of Foreign Affairs laid before Congress a letter, of 31 January, from H. Laurens;

Ordered, That it be referred to the Committee of Commerce.

¹ This motion, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 38, I, folio 65.

TREASURY OFFICE *March 6 1780*

The Board of Treasury beg leave to report

That three months past orders were given to John Mitchell D^y Quar^r Mas^r General to look out and provide apartments for the several offices of the Treasury, agreeable to the Ordinance of Congress of the 30th of July 1779. That M^r Mitchell has frequently reported to this Board that he could not provide such apartments. That on the 23^d of Feb^r past, M^r Mitchell informed this Board that he had the offer of M^r Pemberton's House, which on enquiry was found well calculated for apartments for the offices of the Treasury, seven different apartments *at this time* being absolutely necessary,

That this Board directed M^r Mitchell to take the said House and make the best terms of rent he could, the following day M^r Mitchell gave information to this Board, that M^r Pemberton's terms of rent were three hundred pounds in gold, paid into his hands that day by twelve OClock, or M^r Pemberton would rent it to a person who was waiting for the answer of this Board. That being so pressed in time, and being well assured of the difficulty in providing other apartments, with the expectation of reducing the rent, by letting the Cellars, Stables, Coach house and other out Buildings, this Board determined to take the house aforesaid, not having it in their power in point of time to report first to Congress. That they have actually paid the rent aforesaid in Bills of Exchange on Spain—estimating the Exchange between Gold and Paper money at fifty for one.

The Board wish to have the opinion of Congress on this measure—as they think the House may be readily rented on the terms aforesaid, should Congress disapprove.

At the same time the Board beg leave further to report,

That M^r Gibson (the owner of the house now occupied by the Treasury Board) is waiting for the possession of this, his own house to bring his family to. And this Board have not apartments, nor can be furnished with them, as they believe but in the house of M^r Pemberton aforesaid.

The Board of Treasury report, that, on information, they find large supplies for the army have lately been collected in the State of New Jersey, in consequence of application of the Commander in Chief, either by the magistrates or by persons appointed for that end by the legislature; the accounts arising on which can be more conveniently paid and

settled under the direction of the State than in any other mode; Whereupon,

Resolved, That it be recommended to the legislature of New Jersey, to take measures for the payment of the accounts arising for supplies lately furnished to the army, in consequence of the application of the Commander in Chief, in the mode which they may judge most conducive to the relief of those who have furnished them; including the same in their accounts against the United States, to be subject to examination in like manner as other charges.¹

Congress took into consideration the report of the committee on the memorials of the auditors of the army, &c.

Ordered, That it be re-committed.

A letter, of this day, from P. Schuyler was read.²

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MARCH 7, 1780

Mr. P[hilip] Schuyler, a delegate from the State of New York, attended and took his seat in Congress.

An act of the legislature of the State of New York was laid before Congress and read:³

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [Thomas] Burke, and Mr. [Samuel] Holten.

Mr. R[obert] R. Livingston, a delegate from the State of New York, laid before Congress a resolution of the legislature of that State, extending his delegation until the first day of October next, which was read as follows:

STATE OF NEW YORK

IN ASSEMBLY *February 24th 1780.*

Resolved (if the Honorable the Senate concur herein) that the special Occasion for which the Honorable Robert R. Livingston

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 117. It is endorsed by Thomson: "March 8, 1780, the contract mentioned disapproved."

² This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 515.

³ This act is in the *Papers of the Continental Congress*, No. 67, II, folio 250.

Esquire Chancellor of this State, was elected a Delegate from this State in Congress will most probably continue after the first day of April next, and therefore that he be further continued in Office as a Delegate as aforesaid, until the first Day of October next.

By order of the Assembly.

EVERT BANCKER, *Speaker*.

Attest

JOHN M^cKESSON *Clt*

IN SENATE February 24th 1780

Resolved that this Senate do concur with the Honorable the House of Assembly in their said Resolution.

By Order of the Senate

PIERRE VAN CORTLANDT *Presth*

Attest

ROB^t BENSON *Clerk*.¹

Congress took into consideration the report of the committee on the report of the Board of War, respecting Baron Steuben, and thereupon came to the following resolutions:

Resolved, That Major General Baron Steuben be allowed the sum of 250 louis d'ors, in bills of exchange, for reimbursing him the expences of himself and family coming to America.

Resolved, That the further sum of five hundred and forty six louis d'ors in bills of exchange be advanced to him, for which he is to be accountable.

A letter, of 22 January, from W. Whipple, was read, acknowledging the receipt of the act of Congress appointing him a commissioner of the Board of Admiralty, which office, on account of the situation of his private affairs, he is obliged to decline.

A letter of December 2 and one of February 7, from the council of Massachusetts Bay, were read.²

¹ The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates*.

² Whipple's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 171; the Massachusetts letter of December 2, 1779, is in No. 65, I, folio 416; that of February 7, 1780, on folio 424.

TREASURY OFFICE *March 7, 1780*

The Board of Treasury having taken into consideration a letter of yesterday from Charles Pettit Esq^r and another from M^r Owen Biddle Dep^t Com^r of Forage in which the latter strongly urges the necessity of an immediate supply of three hundred thousand for particular uses in his Department, and without which heavy public losses must ensue, beg leave to report

That the present State of the Finances are such that they know not where to supply this demand but upon the Treasurer of the United States who appears to be possessed of about 1,000,000 of dollars only ¹

AT A BOARD OF WAR *March 6, 1780*

Present M^r Peters, Col Grayson

The board have considered the petitions from sundry Soldiers at Wyoming, referred to them by Congress, and beg leave to observe; that if the circumstances therein stated, were well authenticated, which is not the case, neither Capt: Spalding nor any of his Officers having certified them, it would even then be inexpedient to grant the prayer of the Petitions. To admit the principle upon which the men expect to be discharged, would be to depopulate the army, there being thousands of our soldiers who have equal pretensions to the Indulgence of Congress

The Board therefore beg leave to report,

That the Prayer of the Petitions from sundry soldiers at Wyoming cannot be granted ²

Adjourned to 10 oClock to Morrow.

WEDNESDAY, MARCH 8, 1780

A letter from his Most Christian Majesty, dated the 25 September, 1779, was laid before Congress and read.

A letter, of this day, from the Board of Treasury, was read.

TREASURY OFFICE *March 8, 1780*

SIR,

The Board of Treasury did themselves the honor to represent to Congress yesterday, that the urgent necessity they were under to

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 121. Pettit's letter of March 6, enclosing a copy of Biddle's letter, is in No. 192, folio 325.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 211. It is endorsed: "Brought in March 7th, 1780."

accommodate the Treasury with convenient Offices, had obliged them to hire M^r Pemberton's house, and to advance the Rent. The Board hoped that Congress would have been satisfied with, and approved of what they had done; Understanding however, the Report has been read, and nothing decided upon it, they are apprehensive what they have done in this matter is disagreeable to Congress. The Board do not doubt but the House may be readily rented at this time to a citizen for the same money as they gave, or at no great loss, and propose to get it off their hands tomorrow, if Congress should not desire it to be retained¹

A letter, of 7, from Nat. Ramsay was read:²

Ordered, That it be referred to the Board of Treasury to take order.

The Board of War, to whom was referred the motion of Mr. [Thomas] Burke, brought in a report; Whereupon,

AT A BOARD OF WAR *March 7, 1780*

Present Col Pickering, M^r Peters, Col Grayson

The board having considered the motions made in Congress by M^r Burke on the 6th instant, referred to them, are of opinion, that the present circumstances of the army under the command of His Excellency Gen^l Washington will not admit of a larger detachment for the southward, than one Brigade, to consist of about eight hundred men. They will not however undertake to determine decidedly on the subject, but think it would be most advisable to submit the expediency of the measure altogether to the General, who will have it in his power to augment or diminish the reinforcement as circumstances may require;

They therefore beg leave to report,

Resolved, That it be earnestly recommended to the States of Virginia, North Carolina and South Carolina, to have in readiness to act, as the operations of the campaign shall require, a body of five thousand militia or state troops, over and above their quotas of continental troops, in the following

¹ This letter is in the *Papers of the Continental Congress*, No. 136, IV, folio 123.

² This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 303.

proportions, to wit: Virginia two thousand, North Carolina fifteen hundred, South Carolina fifteen hundred.

[That the militia directed to be held in readiness by the states of Virginia, North and South Carolina, agreeable to the foregoing resolution, be called into actual service whenever the commanding officer in the southern department shall deem it necessary ~~for the defence of the State of South Carolina or any other of the States within his command.~~]

That the Commander in Chief be directed to make such detachment from the troops under his command, to reinforce the southern army, as his strength and circumstances will permit.

~~That the Commander in Chief be authorized to call upon any or all of the States northward of Virginia for such aids of militia as he shall from time to time deem necessary.¹~~

Congress took into consideration the report of the committee to whom was re-committed their report on the memorials of the auditors; and thereupon,

The Committee to whom was referred the Memorials of the Commissioners of the Chambers of Accounts, Auditors of the Army, and Clerks of the several Boards on reconsideration report as their opinion,

That in the present state of the currency the Salaries of the Commissioners and clerks of the several Boards, and the auditors of the army, are inadequate to their services and expences.

That a new establishment of salaries ought to be made as soon as conveniently may be, founded on some stable medium or commodity.

That the subject be postponed until Congress have considered and determined on the reports respecting the medium of Trade.

Resolved, That the Board of Treasury report such sums as they may deem competent, to be advanced to the commissioners and clerks of the several boards, auditors of the army, and other civil officers, for their necessary expences, to be

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 241. Burke's motion is in No. 36, I, folio 61. The paragraph in brackets is in No. 36, I, folio 63, endorsed "Amendment pass^d."

accounted for toward their salaries, when a new establishment thereof shall be made by Congress.¹

The Committee of Commerce, to whom were referred the letters from William Bingham, the continental agent at Martinique, and also a late memorial from John Benezet, as attorney to the said William Bingham, brought in a report; Whereupon,

Resolved, That the Board of Treasury be directed to deliver to the Committee of Commerce bills of exchange drawn on the Honorable John Jay, Esq. minister plenipotentiary at the Court of Spain, for a sum equal to £5,000 sterling, to be forwarded by the Committee of Commerce to Mr. Bingham, or delivered to his agent, Mr. Benezet, in Philadelphia, to discharge in part the debt due from the United States to the said William Bingham.

That, in consequence of the request of the said William Bingham, he have leave to return to Philadelphia.²

The Board of Treasury brought in a report, enclosing a letter from the Board of War;

Ordered, That the said letter be referred to a committee of three.

The members chosen, Mr. [Thomas] McKean, Mr. [James] Forbes and Mr. [Philip] Schuyler.

A motion was made by Mr. [Abraham] Clark, respecting unmerchutable arms in the commissary's store in this town, imported into Virginia last summer:

Congress being informed that a large quantity of unmerchutable arms are now in the Commissaries Store in this Town imported into Virginia the last summer.

Ordered, That the Board of War cause a survey to be had of said arms and report a state thereof to Congress with information by

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 28, folio 145.

² This report, in the writing of James Searle, is in the *Papers of the Continental Congress*, No. 31, folio 205.

whom the same were shipped and also enquire into and report the state of all other arms lately imported.¹

Ordered, That it be referred to the Board of War.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MARCH 9, 1780

A letter, of 8th, from Baron Steuben, and a letter, of this day, from General Mifflin, enclosing a letter, of 8th, from John Webb Checkley, Peter Anspach and Jacob Garrigues, were read.²

A petition of Richard Phillips was read.³

Ordered, That it be referred to the Board of Treasury.

The Board of War, to whom was referred an extract of a letter, of 27 February, from General Washington, respecting Lieutenant Fontevieux, brought in a report; Whereupon,

Resolved, That the Chevalier de Fontevieux, who has for some time borne the rank of lieutenant in the army of the United States by brevet, receive the commission of lieutenant of dragoons in Colonel Armand's legion.⁴

Congress was resolved into a Committee of the Whole to consider farther the reports referred to them; and after some time, the President resumed the chair, and Mr. [George] Plater reported, that the committee have had under their farther consideration the reports referred to them and made some progress, but not having had time to go through the whole, desire leave to sit again.

¹ This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, I, folio 67.

² Mifflin's letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 9; Steuben's letter is in No. 164, folio 182.

³ This petition, dated February 15, 1780, is in the *Papers of the Continental Congress*, No. 42, VI, folio 236.

⁴ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 245.

On the question shall the Committee of the Whole have leave to sit again,

The states were equally divided and the question lost.

Ordered, That the reports which were referred to the Committee of the Whole be referred to a committee of six:

The members chosen, Mr. [Oliver] Ellsworth, Mr. [Thomas] Burke, Mr. [William Churchill] Houston, Mr. [Robert R.] Livingston, Mr. [Philip] Schuyler and Mr. [Samuel] Holten,

The committee, to whom was referred the letter from the Board of War, delivered in a report, which was read.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MARCH 10, 1780

A resolution of the general assembly of Pennsylvania, dated 9th instant, was laid before Congress and read, in the following words:

“Resolved, That Messrs. Bryan, Blewer, Wynkoop, Hayes, Cunningham, Dunwoody, I. Harris, Jones, Rhoads, Bird, Montgomery and Proctor, be a committee, to confer with Congress, or a committee of Congress on the subject of the report of the Committee of this House on Ways and Means, as soon as possibly can be convenient.”

Whereupon,

Ordered, That a committee of five be appointed, to confer with the committee of the general assembly aforesaid, on the subject mentioned in their resolution of the 9th:

The members chosen, Mr. [Roger] Sherman, Mr. [John] Mathews, Mr. [James] Lovell, Mr. [James] Forbes, and Mr. [Robert R.] Livingston.

A letter, of this day, from Timothy Pickering and T. Mifflin was read; whereupon, Congress came to the following resolutions:¹

¹ This letter is in the *Papers of the Continental Congress*, No. 192, folio 13.

Whereas General Schuyler has declined the appointment made in consequence of the resolution of 20th January last:

Resolved, That the remaining commissioners be empowered to proceed in the business committed to them.

Resolved, That a committee of three be appointed to confer with the said commissioners, and with them devise the best ways and means of carrying their commission into effect: the members chosen, Mr. [Roger] Sherman, Mr. [Allen] Jones, and Mr. [Philip] Schuyler.

Ordered, That the report on the quarter master's department be referred to the said committee.

Ordered, That General Mifflin's letter of 9th, with the letter enclosed, be referred to the Board of Treasury.

A memorial from G. W. Beekman was read:¹

Ordered, That it be referred to the Board of Treasury.

A letter, of 8, from the Honorable the Minister Plenipotentiary of France was read, accompanied with an extract of a letter to him from the Count de Vergennes;²

Ordered, That the letter be referred to the Board of Admiralty.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE. *March 8 1780*

The Board of Treasury having considered the Letter to them from the Board of War of the 7th inst. setting forth "That by the returns of the Commissary General of Issues it appears that there is not now on hand Bread for ten days." Also informing this Board of an intended contract with Gen^l Dickinson for Corn and Flower on condition of being supplied with two hundred and fifty or three hundred thousand dollars which s^d letter this Board beg leave to report to Congress.

¹ This memorial, dated March 9, 1780, is in the *Papers of the Continental Congress*, No. 41, I, folio 274.

(² This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) III, 540.

The Board in obedience to the order of Congress of the 6th inst: directing them to report the proper means for supplying the Military Chest in the southern department further report

That ~~the third part of~~ the monies arising from Taxes in the States of Maryland, Virginia, North Carolina and South Carolina or such part thereof as may be necessary, be appropriated to the supply of the Military Chest in the Southern Department and paid by warrants in favor of the D^y Pay Mas^r General in that department.

Ordered, That on the application of Jonathan Burrall, assistant to William Palfrey, paymaster general, a warrant issue on the treasurer, in his favour, for one hundred thousand dollars, on account of the said William Palfrey, for the use of his department; and for which he is to be accountable.

That on the application of the chairman of the Committee of the Post Office, a warrant issue on the treasurer, in favour of the postmaster general, for forty thousand dollars, for which sum he is to be accountable.

That a warrant issue on the treasurer, in favour of Joseph Howell, one of the auditors of accounts in the main army, for three thousand dollars, on account of his salary; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [Allen] Jones, one of the delegates for the State of North Carolina, on his application, for ten thousand dollars for which the said State is to be accountable.¹

Ordered, That so much of the report, as relates to the mode of supplying the military chest in the southern department, be re-committed.

For the better regulating the payment of arrears due, or to become due, to the soldiery, for cloathing, pursuant to the resolution of Congress, of 16 August last,

¹This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 127.

Resolved, That the several regimental paymasters, at the end of each year, make out returns of the cloathing drawn by each soldier in the regiment to which he belongs, in the course thereof, and of the articles still due and to be paid for, at the value fixed by the clothier general.

That each of the said returns, certified by the sub or state clothier of the troops of the State to which the regiment may belong, and accompanied by a certified copy of the last muster roll, be delivered to the auditors of the army, or detachment of the army, in which the said regiment may be, who shall compare the returns with the muster roll, file them in their office, and report a warrant, in the usual form, for the sum necessary to discharge the arrears to the soldiers; and when any part of the regiment happens to be detached at that time, the sum necessary to pay them shall, when they return, be granted on a certificate of the inspector who musters the regiment, and settled in the same manner as the arrears due to those present.

That each regimental pay master, within two weeks after the receipt of the money, pay off the several companies, ~~in Presence of the commanding officer of each and where it so happens that he is the commanding officer of a Company in the Presence of one of the Field Officers of the Regiment,~~ and take receipts from the soldiers respectively, to be ~~witnessed by the Officer attending at the Transaction~~ and produced as his vouchers to the auditors, at the next settlement of his regimental pay roll.

That the said auditors examine and settle the said account, and that the balance, if any, which may remain in the hands of the said paymaster, by reason of casualties in the regiment, after the taking of the muster roll aforesaid, be refunded, as directed by the resolutions of Congress of the 6 day of February, 1778.

That arrears of cloathing due to prisoners, or the legal representatives of such as from time to time may have died in the service, be paid for in the manner directed in similar cases of arrears of pay by the said last recited resolutions.

The Board of Treasury, to whom was referred a letter of 26 January, from the Board of War, respecting the right of persons out of office to draw pay, rations and subsistence, while settling their accounts, brought in a report; Whereupon,

Resolved, That no allowance of pay, rations or subsistence, ~~can~~ ought to be regularly made to any person after he ceases to be in office, ~~and while settling his accounts unless the claim be supported by some Resolution of Congress which the party claiming ought to shew.~~

That if any issuer deliver out public stores to such persons, without being authorized by a resolution of Congress, the same ought to be charged to his account.

~~That where particular cases have occurred or shall occur in which such allowance might justly be made, the Circumstances thereof should be represented that Right may be done.~~¹

A motion being made by Mr. [Thomas] Burke,

Ordered, That it be referred to a committee of three.

The members chosen, Mr. [James] McLene, Mr. [Thomas] Burke and Mr. [Oliver] Ellsworth.

Adjourned to 10 o'Clock to Morrow.

¹This report, beginning with the words "For the better regulating the payment of arrear," etc., is in the *Papers of the Continental Congress*, No. 136, IV, folio 61. It is dated January 31, 1780.

SATURDAY, MARCH 11, 1780

A letter, of this day, from Colonel Armand was read:¹

Ordered, That it be referred to the Board of War.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *Feby 8th 1780*

Present Col Pickering, Mr Peters, Col Grayson

The Board having taken into their farther consideration the papers referred to them by Congress on the 24th ult^o are of opinion that one general system, throughout the United States, should be adopted for annually recruiting the army on equal and similar principles, that all particular benefits (which are ever productive of general disgusts) should be excluded and the inducements to service placed in all respects on the same footing, therefore all ideas about State, Town or County bounties, are intirely improper; for though they produce the effect in the particular instance for which they are intended, yet when they are considered in their connexion with the general interest, they do not fail to occasion infinite mischief;

The same number of men, by an adherence to general maxims, might have been procured without incurring so enormous an expense, and without having any material influence on the depreciation of our currency. The board however do not mean to comprehend the case of applications from the Legislatures to the people of their respective states when arranged in particular classes. On the contrary, allowing them the alternative of producing a soldier either by draught or contribution of the members who compose the respective classes, the board apprehend will be productive of general advantage, this practice during the present contest in particular cases has been attended with very salutary effects.

They apprehend the distinction to be material between bounties which are offered by Public Bodies; and those which are given by Individuals: in the first case, it is an act of Public Authority; in the latter the contract is altogether private, and the only comparative inference that can be drawn from the disparity of bounties, is that one soldier is come from a less zealous, or a more liberal class of Fellow Citizens than another.

They beg leave to report

¹ This letter is in the *Papers of the Continental Congress*, No. 164, folio 416.

That each State during the continuance of the present war, be annually informed by Congress in the month of October of the deficiency of its quota of troops, and be called upon to furnish by draughts, or otherwise, men for its complement, or such parts thereof, as Congress may from time to time judge necessary, and it is recommended to the Legislatures of the respective States to provide that no State, County, or Town bounties be given in any case whatever, it being the intention of Congress that the inducements to service throughout the continent, as near as circumstances, will admit, be placed on the same footing.

That the men to be so furnished, join the army by the first day of January in each year, and serve until the first day of January in the next succeeding year, unless sooner discharged.

That the executive authorities of the different States be respectively requested to appoint one general place of rendezvous in each State, where the drafts and recruits within their particular jurisdictions are to assemble and that they give information thereof to the Commander in Chief, to the end that a proper officer may be sent to each respective place, to examine the fitness, or unfitness of the drafts and recruits for service, and after rejecting such as are from improper age, defective constitutions, permanent disorders, or any other imperfection of body or mind incapable of discharging the duties of a soldier, that he direct the remainder to be conducted to the army, under the command of such officers as the Commander in Chief may think proper to detach for that purpose. And to prevent all disputes respecting the proper age of the drafts and recruits, it is farther resolved that no person shall be received as such, who shall be under the age of eighteen, or above that of fifty, except in the case here after mentioned.

That the officers entrusted with the examination of the drafts and recruits do immediately on rejecting any, inform the executive powers of the respective States thereof that the numbers rejected may be replaced so soon as possible. The expences of all men so rejected not to be allowed by the United States on settlement with the States to which they respectively belong. But if there should be among such rejected drafts or recruits, youths of above fifteen years of age, healthy, robust, and likely to make able bodied soldiers when of sufficient age, the Officers may agree to take such of them as will enlist during the war as part of the quota of the State, and they may, and shall be marched to the army, and employed until able to bear

arms, as drummers, fifers and officers servants, provided that the number of such youths do not exceed the number of officers who are of the quota of the State, from which the said youths are respectively sent.

Resolved, That the Commander in Chief be empowered and directed to make the most salutary regulations possible, for modifying the practice of taking men from the regiments to act as servants to officers which has heretofore been attended with many bad consequences.

That every officer who by such regulations shall be intitled to a servant, and who shall enlist to serve during the war, a youth not under 15, nor exceeding 18 years of age, and who from appearances is likely to prove an able bodied soldier, such officer shall retain the youth so enlisted as his servant, until in the opinion of the inspector general, or one of the sub inspectors he shall be fit to bear arms, and the youth shall receive the bounty money, cloathing, pay and rations of a soldier; and the officer to whom such servant shall be attached, is not to be allowed a man out of the ranks on any pretence whatsoever while such servant remains with him. In case of the death or resignation of such officer, the servant to be turned over to some other officer in the regiment intitled to a servant, the like allowances of clothing, pay and rations shall be given to any officer intitled as aforesaid to a servant who shall bring into the field with him a servant of his own; the officer in such case not to be allowed a servant out of the line.

That the Commander in Chief be directed annually to transmit to Congress, on or before the first day of October a return of the army, specifying the number of troops then in service from each State, and the recruits which are necessary to complete its quota, after giving credit for the independent corps to such States as shall have furnished them.

That the Commander in Chief, and Officers commanding separate armies be authorized and directed, to take such methods as they shall

judge the most proper to have such recruits inlisted as may be willing to engage for the War, allowing two hundred dollars to each soldier, and ten dollars to the Officer who inlists him.¹

Ordered, That the remainder of the report be postponed.

The Board of War, to whom was referred the letter, of this day, from Colonel Armand, brought in a report; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of the paymaster of the Board of War and Ordnance, for thirty two thousand dollars, to be applied to the purpose of procuring cloathing for the army.²

Congress took into consideration the report of the committee, to whom were referred the letters of 31 January from the Board of War, and the two letters from Mr. Holker, relative to the supplies necessary for the use of the fleet of his Most Christian Majesty; Whereupon,

Resolved, That the Board of War give the necessary directions for replacing, out of the public stores, as soon as a sufficient quantity can be spared, the flour borrowed of Mr. Holker, agent for the marine of France in the year 1779, for the use of the United States.

Resolved, That the legislature of the State of Maryland be requested to deliver to Mr. Holker, or his agent, on or before the 1st day of May next, out of the quantity of flour called for by the resolution of the 25th of February last, such a quantity as, with what hath been already purchased and now in the possession of Mr. Holker's agent, in Maryland, will compleate the quantity of fifteen thousand barrels for the marine of France.

Resolved, That the legislature of the State of Pennsylvania be requested to deliver to Mr. Holker, or his agent, on or before the first day of May next, as a part of the supplies called

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 103.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 251.

for by the said resolutions of the 25 February last, six thousand barrels of flour, six hundred barrels of pork, and two hundred barrels of beef for the use of the marine of France.

Resolved, That the legislature of the State of Connecticut be requested to deliver to Mr. Holker, or his agent, on or before the first day of May next as a part of the supplies called for from that State, one thousand barrels of pork and one thousand five hundred and fifty five barrels of flour for the above purpose.

Resolved, That the above supplies, when delivered, be charged to Mr. Holker, in account with the United States, in specie, at the prices fixed in the said resolutions of the 25 day of February last.

The Board of War, to whom was referred the letter of 22 December, from Major General Lincoln, having reported thereon,

Resolved, That the deputy quarter master general and principal purchasing commissary in the southern army ascertain, in the best manner circumstances will admit, the quantities of forage and provisions supplied by the inhabitants to the forces of his Most Christian Majesty while the armies lay before Savannah last September and October, and pay for the same what they were reasonably worth, keeping exact and separate accounts of the sums so paid, and transmitting the same to the Treasury Board, as soon as may be.

The committee, appointed to prepare a recommendation to the several states to set apart the last Wednesday in April next as a day of fasting, humiliation and prayer, brought in a draught, which was read and agreed to, as follows:¹

It having pleased the righteous Governor of the World, for the punishment of our manifold offences, to permit the sword of war still to harrass our country, it becomes us to endeavour, by humbling our-

¹The next three paragraphs are entered in the Journal in George Bond's writing.

selves before him, and turning from every evil way, to avert his anger and obtain his favour and blessing: it is therefore hereby recommended to the several states,

That Wednesday, the twenty sixth day of April next, be set apart and observed as a day of fasting, humiliation and prayer, that we may, with one heart and one voice, implore the sovereign Lord of Heaven and Earth to remember mercy in his judgments; to make us sincerely penitent for our transgressions; to prepare us for deliverance, and to remove the evils with which he hath been pleased to visit us; to banish vice and irreligion from among us, and establish virtue and piety by his divine grace ~~to revive and spread the influence of patriotism, and eradicate that love of pleasure and of gain which renders us forgetful of our country and our God;~~ to bless all public councils throughout the United States, giving them wisdom, firmness and unanimity, and directing them to the best measures for the public good; to bless the magistrates and people of every rank, and animate and unite the hearts of all to promote the interests of their country; to bless the public defence, inspiring all commanders and soldiers with magnanimity and perseverance, and giving vigor and success to the military operations by sea and land; to bless the illustrious Sovereign and the nation in alliance with these states, and all who interest themselves in the support of our rights and liberties; to make that alliance of perpetual and extensive usefulness to those immediately concerned, and mankind in general; to grant fruitful seasons, and to bless our industry, trade and manufactures; to bless all schools and seminaries of learning, and every means of instruction and education; to cause wars to cease, ~~to the ends of the earth~~ and to establish peace among the nations.

And it is further recommended, that servile labour and recreations be forbidden on the said day.¹

Done in Congress &c.

Congress took into consideration the report of the committee on the motion respecting tender laws, and after debate,

Ordered, That it be referred to the Committee on Finance.
Adjourned to 10 o'Clock on Monday.

¹ This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 24, folio 451.

MONDAY, MARCH 13, 1780

A letter, of 24 January from H. Laurens to the Committee of Foreign Affairs was laid before Congress and read, and returned to the committee.¹

A letter, of 2, from S. Steward to the Committee of Commerce was laid before Congress and read:

Ordered, That it be returned to the Committee of Commerce, to take order.

A letter, of 21 February, from G. Wythe was read, declining the office of judge of the Court of Appeals.²

Mr. [Cyrus] Griffin, a delegate for the State of Virginia, laid before Congress sundry resolutions of the general assembly of that State; one dated, November 10, one of the 23, and two of the 24 December, last.³

Ordered, That the resolution of the 10th November be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Messrs. John Biddle, Isaac Howell, Peter Thomson, Isaac Snowden and Nathaniel Falconer, inspectors of the continental press, on their application, for five thousand dollars each, for which they are respectively to be accountable.

That a warrant issue on the treasurer, in favour of Richard Phillips, steward to the President of Congress, for five thousand dollars, for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. E[bridge] Gerry, one of the delegates for the State of Massachusetts Bay, on his application, for ten thousand dollars, for which the said State is to be accountable.

¹ This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 467.

² This letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 183.

³ The resolution of November 10, 1779, is in the *Papers of the Continental Congress*, No. 70, folio 349.

That a warrant issue on the treasurer, in favour of Mr. John Collins, one of the delegates for the State of Rhode Island, on his application, for two thousand dollars, for which the said State is to be accountable.¹

On motion,

Resolved, That the order of the day for fixing upon a place to which Congress will adjourn on the last Saturday in April next, be postponed.

The committee, to whom was referred the reports on finance brought in a report, which was read and referred to a Committee of the Whole.

Whereupon, Congress was resolved into a Committee of the Whole, and after some time, the President resumed the chair, and Mr. [George] Plater reported, that the committee have had under consideration the report referred to them, but not having gone through the same, desire leave to sit again.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MARCH 14, 1780

A memorial from John P. Lynch was read:

Ordered, That it be referred to the Committee on Appeals.

It being represented that the Board of War have it in their power to make a contract which will be highly beneficial to the United States, but that to ensure the success of it secrecy is necessary:²

Ordered, That a committee of three be appointed to confer with the Board of War and report on the expediency of the measure:

The members chosen, Mr. [William] Ellery, Mr. [Abraham] Clark and Mr. [Roger] Sherman.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 131, the last paragraph being on folio 133.

² This paragraph and the two following were also entered in the manuscript Secret (Domestic) Journal.

Congress was resolved into a Committee of the Whole, to consider farther the report of the committee on finance, and after some time, the President resumed the chair, and Mr. [George] Plater reported that the committee have had under their farther consideration the report referred to them, and have made some progress, but not having come to a conclusion, desire leave to sit again.

Resolved, That to morrow Congress be resolved into a Committee of the Whole, to consider farther the report of the Committee on Finance.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MARCH 15, 1780

A memorial of Lewis F. Wilson was read:¹

Ordered, That it be referred to the Board of Treasury.

According to order, Congress was resolved into a Committee of the Whole, and after some time the President resumed the chair and Mr. [George] Plater reported, that the committee have had under their farther consideration the report on finance, which was referred to them, and come to sundry resolutions thereon, which he was ordered to report.

The report being delivered,

Ordered, That to morrow be assigned for the consideration thereof.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MARCH 16, 1780

A letter, of 12 January last, from Thomas Waring, Senior, was read, declining the office of a commissioner of the Board of Admiralty, to which he was elected.

¹ This memorial, undated, is in the *Papers of the Continental Congress*, No. 41, X, folio 432.

A letter, of 6, from J. Laurance, judge advocate, was read:

Ordered, That it be referred to the Board of Treasury.

A letter, of 6 and 8, from General Washington, was read, enclosing a copy of a letter of 6, from General Greene, and of one of 24 February, from Clement Biddle; Whereupon,¹

Congress took into consideration the draught of a letter of [to] Major General Greene, reported by the committee, to whom his letters were referred, and the same being debated by paragraphs, was agreed to.

Ordered, That the letter from the General, with the papers enclosed, be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE *March 16, 1780*

SIR,

The Baron de Steuben to whom Congress by a Resolution of the 7th inst: advanced five hundred and forty six Louis d'ors in Bills of Exchange, applies to this Board to know the rate of Exchange at which they are to be charged: for as he is under the necessity of selling these Bills immediately, to purchase necessities for the ensuing campaign, he finds on Enquiry, he can not get for the Bills but half the sum in currency, he could, if he was furnished with the specie: this being the case, the disadvantage resulting to him under these circumstances is too great, unless Congress shall be pleased to fix the Rate of Exchange at the present Course. If that should be declined, he then desires that in lieu of the Bills, to be delivered him in advance, he may have their equivalent in current dollars occasionally, as he may want them; and for the present the sum of 50,000 dollars

The Board are of opinion, this last proposal will be the most equitable under the present fluctuating State of Bills of Exchange and therefore beg leave to report

¹ Waring's letter is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 163; that of Laurance in No. 78, XIV, folio 305; that of Washington, of the 6th and 8th, is in No. 152, VIII, folio 427, and is printed in part in the *Writings of Washington* (Ford), VIII, 213.

Ordered, That a warrant issue on the treasurer, in favour of Major General Baron Steuben, for fifty thousand dollars, for which he is to be accountable; and that the Board of Treasury forbear carrying into execution that part of the resolution of Congress, of the 7 instant, which directs the sum of five hundred and forty six louis d'or in bills of exchange to be advanced to Baron Steuben,¹

That on the application of Jonathan Burrall, on account of William Palfrey, paymaster general, warrants for the following sums issue in his favour, to be transmitted to Joseph Clay, deputy paymaster general in the southern department, for the use of the military chest there, and for which the deputy paymaster general is to be accountable, viz.

One on George Webb, treasurer of the State of Virginia, for one million two hundred thousand dollars:

One on his excellency, Richard Caswell, governor of the State of North Carolina, for nine hundred thousand dollars:

And one on his excellency John Rutledge, governor of the State of South Carolina, for nine hundred thousand dollars, being part of the monies raised in the said states respectively, for the use of the United States.

That on the application of Mr. C[yrus] Griffin, one of the delegates for the State of Virginia, a warrant issue on the treasurer, in his favour, for twenty thousand dollars, to be repaid by a draft of the said Mr. [Cyrus] Griffin, on George Webb, Esquire, treasurer of the State of Virginia, in favour of Charles Pettit, assistant quarter master general, on account of Major General Greene, quarter master general, for the use of his department, and for which he is to be accountable.

That on the application of Charles Pettit, assistant quarter master general, for Major General Greene, quarter master general, a warrant issue in his favour on George Webb, treasurer of the State of Virginia, for one hundred thousand

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 137.

dollars, being part of the monies raised in the said State, for the use of the United States, to be applied in the department of the said quarter master general, and for which he is to be accountable.

That on the application of Chaloner and White, a warrant issue on the treasurer in their favour for thirteen thousand three hundred and thirty three dollars and 30/90, on account of Jeremiah Wadsworth, late commissary general of purchases, for the use of his department, and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Thomas Mifflin, late quarter master general, for nine thousand one hundred dollars, to be applied to the discharge of outstanding debts in his department, and for which he is to be accountable.

Resolved, That the loan continued to the first of the present month, by the resolution of the 6th of October last, be further continued to the amount of the blank loan office certificates which are already ordered by Congress to be struck.¹

According to order Congress proceeded to the consideration of the report of the Committee of the Whole, and after some time spent thereon,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MARCH 17, 1780

A petition of Archibald McDonald, and

A petition of Mayberry and Morgan, were read:²

Ordered, That they be referred to the Board of Treasury.

Congress resumed the consideration of the report of the Committee of the Whole, and some time being spent therein,

Adjourned to 10 o'Clock to Morrow.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 135.

² McDonald's petition, dated March 14, 1780, is in the *Papers of the Continental Congress*, No. 42, V, folio 175; that of Mayberry and Morgan, dated March 17, 1780, in No. 42, V, folio 179.

SATURDAY, MARCH 18, 1780

A memorial of Captain B. Van Herr, was read:¹

Ordered, That it be referred to the Board of War.

A report of the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of George Bond, deputy secretary of Congress, for six thousand dollars, on account of his salary, and for which he is to be accountable.

That on the application of the Medical Committee, the following warrants issue in favour of Jonathan Potts, purveyor general of the hospitals, for the use of his department; and for which, amounting to forty six thousand nine hundred dollars, he is to be accountable; viz.

One on the treasurer, for ten thousand dollars, and,

One on Thomas Smith, commissioner of the loan office for the State of Pennsylvania, for thirty six thousand nine hundred dollars.

That on the application of Charles Pettit, assistant quarter master general, on account of Major General Greene, Q. M. G. a warrant issue in his favour on Samuel Patterson, treasurer of the State of Delaware, for two hundred thousand dollars (being part of the monies raised in the said State for the use of the United States); and for which the said quarter master general is to be accountable.²

That a warrant issue on the treasurer, in favour of Josiah Hewes of the city of Philadelphia, merchant, for the sum of fifteen thousand dollars, to discharge the first bill of exchange drawn on the said treasurer by his excellency Richard Caswell, governor of the State of North Carolina, dated the 6th of August, 1778, and in consequence of a resolution

¹ A contemporaneous copy of this memorial is in the *Letters to Washington*, No. 49, folio 289.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 141.

of Congress, of the 25 of November, 1777; for which sum Governor Caswell is to be accountable.¹

Congress resumed the consideration of the report of the Committee of the Whole, and a motion being made by Mr. [Thomas] Burke, seconded by Mr. [Allen] Jones,

That the states be requested to pass laws enabling Congress to levy an impost of one per cent on all exports and imports, as a fund for sinking the emissions for carrying on the present war, to continue until a sum equal to the whole of the said emissions shall be collected.

The previous question was moved by Mr. [Thomas] McKean, seconded by Mr. [James] Lovell, on which the yeas and nays being required by Mr. [Thomas] Burke,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} div.	Mr. Fell,	ay	} ay
Folsom,	ay		Houston,	no	
<i>Massachusetts Bay,</i>			Clark,	ay	
Mr. Lovell,	ay	} ay	<i>Pennsylvania,</i>		
Holten,	ay		Mr. Searle,	ay	} ay
Partridge,	ay		Muhlenberg,	ay	
<i>Rhode Island,</i>			McLene,	ay	
Mr. Ellery,	ay	} ay	Shippen,	ay	
Collins,	ay		<i>Delaware,</i>		
<i>Connecticut,</i>			Mr. McKean,	ay	} ay
Mr. Huntington,	ay	} ay	<i>Maryland,</i>		
Sherman,	ay		Mr. Plater,	no	} no[*]
Ellsworth,	ay		<i>Virginia,</i>		
<i>New York,</i>			Mr. Griffin,	ay	} ay
Mr. Floyd,	ay	} ay	<i>North Carolina,</i>		
Scott,	ay		Mr. Burke,	no	} no
L'Hommedieu,	ay		Jones,	no	
Livingston,	ay		<i>South Carolina,</i>		
Schuyler,	ay		Mr. Mathews,	ay	} ay

So it was resolved in the affirmative and the main question was set aside.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 145.

Congress proceeded to the consideration of the report, which being debated by paragraphs was agreed to, as follows:

~~The Committee to whom were referred sundry papers relating to the state of the publick finances, beg leave to report that~~

~~Congress having been driven into this just and necessary war at a time when no regular civil governments were established of sufficient energy to enforce the collection of taxes, or to provide funds for the redemption of such bills of credit as their necessities obliged them to issue, and before the powers of Europe were sufficiently convinced of the justice of their cause, or the probable event of the controversy, to venture to afford them aid or credit: which bills, emitted under the circumstances above mentioned were in their nature, as the event has shown, liable to depreciate; and are in fact sunk notwithstanding the purest intentions and repeated exertions to support them, so low as to be now current by common consent at less than $\frac{1}{4}$, part their nominal value, and still remain in a state of uncertainty and fluctuation; whereby great mischiefs and distress ensue to the community, the publick finances are deranged, and the necessary dispositions for the defence of the country greatly impeded and embarrassed; which evils are the more intollerable as America has it now in her power to extricate herself out of them, as her Independance is now well assured, her interests and credit in Europe daily gaining strength, her internal governments established and vigorous and the unconquered spirit of her citizens yet ardent for exertion: and whereas, the means essentially necessary, as it is apprehended, to give the same stability to the paper medium now as in former times, are to reduce the quantity to its former limits, and to place it on funds to be established and granted by the legislatures of the several states for that purpose; Therefore,~~

These United States having been driven into this just and necessary war, at a time when no regular civil governments were established, of sufficient energy to enforce the collection of taxes, or to provide funds for the redemption of such bills of credit as their necessities obliged them to issue; and before the powers of Europe were sufficiently convinced of the justice of their cause, or of the probable event of the controversy, to afford them aid or credit, in consequence of which,

their bills increasing in quantity beyond the sum necessary for the purpose of a circulating medium, and wanting, at the same time, specific funds to rest on for their redemption, they have seen them daily sink in value, notwithstanding every effort that has been made to support the same; inso-much that they are now passed, by common consent, in most parts of these United States, at least 39-40ths below their nominal value, and still remain in a state of depreciation, whereby the community suffers great injustice, the public finances are deranged, and the necessary dispositions for the defence of the country are much impeded and perplexed; and whereas, as effectually to remedy these evils, for which purpose the United States are now become competent, their independence being well assured, their civil governments established and vigorous, and the spirit of their citizens ardent for exertion, it is necessary speedily to reduce the quantity of the paper medium in circulation, and to establish and appropriate funds that shall ensure the punctual redemption of the bills; therefore,

~~That the resolution of the 23d day of February, so far as respects relinquishing to the states two thirds of the quotas assigned them by the resolution of October, 1779, be repealed.~~

~~That the states be called on to continue their said quotas of fifteen million dollars monthly, to the month of April, 1781, inclusive.~~

Resolved, That the several states continue to bring into the continental treasury, by taxes or otherwise, their full quotas of fifteen million dollars monthly, as assigned them by the resolution of the 7th of October, 1779; a clause in the resolution of the 23d of February last, for relinquishing two-thirds of the said quotas, to the contrary notwithstanding; and that the states be further called on to make provision for continuing to bring into the said treasury their like quotas monthly, to the month of April, 1781, inclusive:

That silver and gold be receivable in payment of the said quotas, at the rate of one Spanish milled dollar in lieu of 40 dollars of the bills now in circulation.

That the said bills, as paid in, except for the months of January and February past, which may be necessary for the discharge of past contracts, be not re-issued, but destroyed.

~~That the specie paid in on said quotas be appropriated solely to sinking the outstanding bills.~~
[Rejected.]

That as fast as the said bills shall be brought in to be destroyed, and funds shall be established, as hereafter mentioned, for other bills, other bills be issued, not to exceed, on any account, one-twentieth part of the nominal sum of the bills brought in to be destroyed.

That the bills which shall be issued, be redeemable in specie, within six years after the present, and bear an interest at the rate of five per centum per annum, to be paid also in specie at the redemption of the bills, or, at the election of the holder, annually, at the respective continental loan offices, in sterling bills of exchange, drawn by the United States on their commissioners in Europe, at four shillings and six pence sterling per dollar.

That the said new bills issue on the funds of individual states, for that purpose established, and be signed by persons appointed by them, and that the faith of the United States be also pledged for the payment of the said bills, in case any State on whose funds they shall be emitted, should, by the events of war, be rendered incapable to redeem them; which undertaking of the United States, and that of drawing bills of exchange, for payment of interest as aforesaid, ~~if demanded,~~ shall be endorsed on the bills to be emitted, and signed by a commissioner to be appointed by Congress for that purpose.

That the face of the bills to be emitted read as follows, viz.

The possessor of this bill shall be paid Spanish milled dollars,
by the 31 day of December, 1786, with interest, in like money, at the

rate of five per cent. per annum, by the State of _____, according to an act of the legislature of the said State, of the _____ day of _____, 1780.

And the endorsement shall be as follows, viz.

~~“The United States of America will pay this bill according to the face of it, if the State of _____ should by any means fail of its redemption; and will also pay the interest annually in bills of exchange on their commissioners in Europe, at four shillings, six pence sterling, per dollar, if desired, agreeable to a resolution of Congress of the _____ day of March, 1780.”~~
 [Postponed.]

The United States ensure the payment of the within bill, and will draw bills of exchange for the interest annually, if demanded, according to a resolution of Congress of the 18 day of March, 1780.

That the said new bills shall be struck under the direction of the Board of Treasury, in due proportion for each State, according to their said monthly quotas, and lodged in the continental loan offices in the respective states, where the commissioner to be appointed by Congress, in conjunction with such persons as the respective states appoint, shall attend the signing of the said bills; which shall be compleated no faster than in the aforesaid proportion of one to twenty of the other bills brought in to be destroyed, and which shall be lodged for that purpose in the said loan offices.

That as the said new bills are signed and compleated, the states respectively, on whose funds they issue, receive six-tenths of them, and that the remainder be subject to the orders of the United States, and credited to the states on whose funds they are issued, the accounts whereof shall be adjusted agreeably to the resolution of the 6th of October, 1779.

That the said new bills be receivable in payment of the said monthly quotas, at the same rate as aforesaid of specie; the interest thereon to be computed to the respective states, to the day the payment becomes due.

That the respective states be charged with such parts of the interest on their said bills, as shall be paid by the United

States, in bills of exchange; and the accounts thereof shall be adjusted agreeably to the resolution aforesaid, of the 6th of October, 1779.

That whenever interest on the bills to be emitted shall be paid prior to their redemption, such bills shall be thereupon exchanged for others of the like tenor, to bear date from the ~~time of such exchange~~ expiration of the year for which such interest is paid.

That the several states be called on to provide funds for their quotas of the said new bills, to be so productive as to sink or redeem one sixth part of them annually, after the 1st day of January next.

That nothing in the foregoing resolutions shall be construed to ascertain the proportions of the expence incurred by the war, which each state on a final adjustment ought to be charged with, or to exclude the claims of any State to have the prices at which different states have furnished supplies for the army hereafter taken into consideration and equitably adjusted.

That the foregoing resolutions, with a letter from the President, be despatched to the executive of the several states, and that they be requested to call their assemblies, if not already convened, as speedily as possible, to take them into immediate consideration, to establish ample and certain funds for the purposes therein mentioned, and to take every other measure necessary to carry the same into full and vigorous effect, and that they transmit their acts for that purpose to Congress without delay.¹

¹ This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 26, folio 149.

An amendment, in the writing of Robert R. Livingston, endorsed: "Withdrawn" in the *Papers of the Continental Congress*, No. 26, folio 159, is as follows:

1 That the monthly tax to the 1st day of October next be levied agreeable to the resolution of the 6th day of October last.

That from thenceforward annually after the present year taxes be imposed to be levied quarterly equal to one third of the former emissions of the continental bills of credit which may be then in circulation.

On passing the foregoing resolutions, the yeas and nays were required by Mr. [Allen] Jones,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} div.	Mr. Fell,	no	} ay
Folsom,	ay		Houston,	ay	
<i>Massachusetts Bay,</i>			Clark,	ay	
Mr. Lovell,	ay	} ay	<i>Pennsylvania,</i>		
Holten,	ay		Mr. Searle,	ay	} ay
Partridge,	ay		Muhlenberg,	ay	
<i>Rhode Island,</i>			McLene,	ay	
Mr. Ellery,	ay	} ay	Shippen,	ay	
Collins,	ay		<i>Delaware,</i>		
<i>Connecticut,</i>			Mr. McKean,	no	} no
Mr. Huntington,	ay	} ay	<i>Maryland,</i>		
Sherman,	ay		Mr. Plater,	no	} *
Ellsworth,	ay		<i>Virginia,</i>		
<i>New York,</i>			Mr. Griffin,	no	} no
Mr. Livingston,	ay	} ay	<i>North Carolina,</i>		
Floyd,	ay		Mr. Burke,	no	} no
L'Hommedieu,	ay		Jones,	no	
Schuyler,	ay		<i>South Carolina,</i>		
Scott,	ay			Mr. Mathews,	no

So it passed in the affirmative.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR, *March 18, 1780*

Present Col. Pickering, M^r. Peters, Col Grayson

M^r. Morris, an assistant commissary of purchases in the State of New Jersey, has in his possession about 70,000 lbs. of pork salted in bulk, but which it is necessary to pack and salt up in barrels immediately. The delay of a few days at this season, will endanger the loss of the whole. As it lays in Jersey, and is easy to be transported

2 That silver, &c.

3 That one half of the Bills so brought in by taxes be destroyed.

4 That as soon as the bills are brought in and destroyed as aforesaid, or funds are established as herein after mentioned by one or more states, other bills be issued upon the credit of such funds equal to the amount thereof not to exceed on any account one twentieth part of the bills brought in and destroyed and the money in circulation calculated at forty dollars of the bills now in circulation for one in specie, so that the whole debt shall on no account exceed 10,000,000 of dollars in specie.

to the army, 'tis of the greater importance to preserve it. It was laid in at three dollars a pound, the price of pork now is six dollars. If it perishes, the whole loss will fall on the United States. This pork when barrelled will be worth upwards of 400,000 dollars—and to render it of that value to the United States, 10,000 dollars only are wanting to procure the barrels and pay the packers. Salt is already provided. The case is pressing. The board beg leave to recommend the following resolve,

That Ten thousand dollars be immediately advanced to ~~Mr. Israel Morris, Assistant Commissary of Purchases~~ to the paymaster of the Board of War and Ordnance, to enable the said Board to preserve a quantity of pork, the property of the United States.¹

Ordered, That a warrant issue on the treasurer, in favor of Joseph Carleton, paymaster of the Board of War and Ordnance for ten thousand dollars, to be applied under the direction of the said Board for preserving a quantity of pork in New Jersey.²

Adjourned to 10 o'Clock on Monday.

MONDAY, MARCH 20, 1780

Mr. James Madison, Junior, a delegate for Virginia attended and produced the credentials of his appointment, which were read, as follows:

IN THE HOUSE OF DELEGATES,
the 14th December, 1779.

Resolved that James Henry, Joseph Jones, James Madison, Jr. and John Walker Esquires, be appointed Delegates to represent this Commonwealth in Congress untill the first Monday in November next, in the room of the Gentlemen who have resigned; they having been so elected by joint ballot of both Houses of Assembly.

Teste.

December 14th 1779.

JOHN BECKLEY *C. h. d.*

A Copy

Agreed to by the Senate

JOHN BECKLEY *C. h. d.*

WILL: DREW: *C. S.*³

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 255.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 111.

³ The original is in the *Papers of the Continental Congress*, Virginia, *Credentials of Delegates*.

A letter, of 11, one of the 14, and one of 22 February, from Major General Lincoln, were read:¹

Ordered, That so much of the said letters as relates to bills drawn on the President of Congress, with a list of the bills be referred to the Board of Treasury.

The Committee of Foreign Affairs laid before Congress a letter, of 14th, and one of 24th February, from H. Laurens, which were read; the latter enclosing an invoice and bill of lading of sundry goods by him shipped on account of the United States, ~~on board the brig *Adriana*.~~

Ordered, That so much of the said letter, as relates to the shipping the said goods, together with the invoice and bill of lading, be referred to the Board of Treasury.

Resolved, That the committee appointed to correspond with the commanding officer in the southern department be directed to form a proper plan for getting the most speedy and frequent intelligence from the army in the southern department, and to take order thereon.

The committee, to whom was referred a motion relating to the laws making continental bills of credit a tender, brought in a report; Whereupon,

Resolved, That it be recommended to the several states, to revise their laws, enacted pursuant to a former resolution of Congress, making the continental bills of credit a tender in discharge of debts and contracts, and to amend the same in such manner as they shall judge most conducive to justice, in the present state of the paper currency: and

That it be further recommended, that the said laws be enacted in such manner that no persons may take unjust advantage to defeat the good purposes of this resolution, by availing themselves of the notice thereof, before the passing of the several acts.

¹ The letter of February 11 is in the *Papers of the Continental Congress*, No. 158, II, folio 317; that of February 14 is on folio 321; that of February 22 is on folio 325.

The committee appointed the 14th instant to confer with the Board of War relative to a contract offered to the Board of War, report,

That they have attended that duty, and are of opinion, that the proposed contract will be beneficial to the United States; and that it is expedient for the Board to take the measures necessary to carry the same into execution. That when the contract is fulfilled, bills on Spain, not exceeding the amount of thirty thousand pounds sterling, must be furnished the Board to enable them on their part to comply with the terms of the contract: Whereupon,

Resolved, That the Board of War be authorized to complete the proposed contract; and when fulfilled, that bills of exchange be drawn on Spain to the amount of thirty thousand pounds sterling, or so much thereof as may be necessary for the above purpose, payable to the paymaster of the Board of War and Ordnance for discharging the said contract.¹

A letter, of 18, from Don. J. de Mirailles, was read:

Ordered, That it be referred to the Board of Admiralty.

A letter, of 18, from J. Cox, A. Q. M. G., enclosing a letter, of 10 January, from Major General Gates, was read:

Sundry letters from Colonel J. Allen, were read, viz. one, of 28 September, one of 20 October, one of 10, and one of 15 November, last.²

Ordered, That they be referred to the Board of War to report.

¹ This resolve was also entered in the manuscript Secret (Domestic) Journal. The report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 27, folio 101.

² Mirailles' letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 17; Cox's letter is in No. 78, V, folio 451; Allan's letter of September 28 is in No. 78, I, folio 317, and copies of the other three are on folios 325, 329 and 333; the original of the letter of November 10 is on folio 341, and that of November 15 on folio 337; see *ante*, January 24.

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WAR OFFICE, March 20, 1780

SIR,

At the request of the Baron Steuben, the board have the honor to transmit to Congress his sentiments on the subject of the proposed reduction of the number of Regiments in the army.¹

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MARCH 21, 1780

A letter, of 17th, from the governor of New Jersey, was read, enclosing an address of the council and assembly of the said State to Congress:

Ordered, That the address be referred to the Board of Treasury.

A letter, of 25 February, from E. Blaine, commissary general of purchases, and

A memorial of James Wilson and William Lewis, advocates for Gideon Olmstead and others, claimants, of the sloop *Active* and cargo, were read.²

A report of the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer in favour of Joseph Nourse, assistant auditor general, for five thousand dollars, on account of his salary, and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of William Geddes, one of the commissioners of the chamber of accounts, for ten thousand dollars, on account of his salary, for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. [Nathaniel] Peabody, one of the delegates for the State of New Hampshire, on his application, for six thousand dollars, for which the said State is to be accountable.

¹ This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 63.

² The governor's letter is in the *Papers of the Continental Congress*, No. 68, folio 529; the address on folio 525. Blaine's letter is in No. 165, folio 345; the memorial, dated March 15, 1780, is in No. 78, XXIV, folio 191.

That a warrant issue on the treasurer, in favour of Mr. [George] Partridge, one of the delegates for the State of Massachusetts Bay, for ten thousand dollars, for which the said State is to be accountable.¹

The Board of Treasury, to whom was referred the petition of Thomas Mayberry and James Morgan, brought in a report:

That they have considered the petition of Thomas Mayberry and James Morgan Iron Masters, and cannot discover that any thing therein comes within the description of Balances of accounts liquidated, of partial payments of such accounts, or of advances for public service; and therefore humbly conceive it is not regularly within their Department to make any report thereon, and that the matters therein contained are proper for the consideration of other Departments who are conversant with the Ordnance supplies.²

Ordered, That the same, together with the petition, be referred to the Board of War and Ordnance.

A report of the Board of War was read; Whereupon,

AT A BOARD OF WAR, *March 20 1780*

Present Mr Peters, Col Grayson

The Board had the honor to transmit Baron Steuben's opinion upon the proposed reduction of the Regiments in the army.

Congress can best judge of the expediency or in expediency of the measure. If they should be of opinion that no reduction should at present be attempted, there will be a deficiency of subaltern officers; but as few of those as possible should be created, as multiplying them will occasion embarrassments should a reduction be thought of at a future day. Yet some addition to the numbers of these Officers will be necessary. The board therefore beg leave to report,

Resolved, That it be recommended to the governments of the several states, to suspend making new appointments of officers in the regiments of their respective lines, except where the Commander in Chief or commanding officer in the south-

¹This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 143.

²This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 147.

ern department shall deem such appointments indispensably necessary.¹

On motion of Mr. [Roger] Sherman, seconded by Mr. [William] Ellery,

Ordered, That the report of the committee, on motion respecting the payment of the principal and interest of loan office certificates, be re-committed.

That a member be added to the committee, in the room of Mr. [James] Forbes, who is absent;

The member chosen, Mr. [Phillip] Schuyler.

A letter, of this day, from F. Lewis, commissioner of the Board of Admiralty, was read, representing that two of the commissioners appointed to the Board, having declined to accept the office, and Mr. [James] Forbes by reason of his present sickness being unable to attend, no Board of Admiralty has been held since the 4th instant.²

Ordered, That the consideration thereof be postponed till to morrow.

On motion to proceed to the order of the day for taking into consideration the disputes and differences relative to the jurisdiction of the states of New York, Massachusetts Bay and New Hampshire, or such of them as have passed laws, agreeably to a recommendation of Congress of the 24 of September last, on the one part, and the people of a certain tract of country called the New Hampshire Grants, who claim to be a separate jurisdiction, on the other part;

Ordered, That the same be postponed, nine states, exclusive of those who are parties to the question, not being represented in Congress.

Congress took into consideration the report of the committee appointed on the memorials of Gideon Olmstead, &c. to confer with a committee of the general assembly of Pen-

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 259.

² This letter is in the *Papers of the Continental Congress*, No. 78, XIV, folio 309.

sylvania, respecting the carrying into execution the decree of the Court of Appeals in the case of the sloop *Active*, which is as follows:¹

In debating the resolution, a motion was made by Mr. [James] McLene, seconded by Mr. [James] Searle, to strike out the latter part, viz. "And that the State of Pennsylvania be charged," &c. to the end. And on the question, shall the words moved to be struck out stand, the yeas and nays being required by Mr. [Frederick A.] Muhlenberg,

Passed in the negative, every member present answering no. So the words were struck out.

On the question to agree to the former part of the resolution, the yeas and nays being required by Mr. [James] Searle,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} no	Mr. Houston,	no	} no
<i>Massachusetts Bay,</i>			Clark,	no	
Mr. Lovell,	no	} no	<i>Pennsylvania,</i>		
Holten,	no		Mr. Searle,	no	} no
Partridge,	no		Muhlenberg,	no	
<i>Rhode Island,</i>			McLene,	no	
Mr. Ellery,	ay	} ay	Shippen,	no	
Collins,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	no	} no
Mr. Huntington,	no	} no	Madison,	no	
Sherman,	ay		<i>South Carolina,</i>		
Ellsworth,	no		Mr. Mathews,	no	} no
<i>New York,</i>					
Mr. Scott,	no	} div.			
L'Hommedieu,	no				
Livingston,	ay				
Schuyler,	ay				

So it passed in the negative.

A letter, of 17, from General Washington was read, with sundry papers enclosed:²

¹ The report is here entered in the Journal. It may be seen *ante*, Vol. XV, p. 1194.

² Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 435.

Ordered, That they be referred to the Board of War.
Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MARCH 22, 1780

A letter, of 10, from the governor of Connecticut, was read:¹

Ordered, That so much thereof, as relates to expresses, be referred to the Committee on the Post Office.

A memorial of John Lloyd, Junior, late of Queens county on Long Island, was read:²

Ordered, That it be referred to the Board of Treasury.

A letter, of 10, from Jonathan Trumbull, Junior, was read, declining the office of commissioner of the Board of Treasury, to which he was elected.³

A report of the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Joseph Carleton, paymaster to the Board of War and Ordnance, for five thousand dollars, on account of his salary; and for which he is to be accountable.

That a warrant issue on the treasurer in favour of the delegates for the State of New York, for ten thousand dollars on their application; and for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of John Nicholson, one of the clerks in the chamber of accounts, for four thousand dollars, on account of his salary; and for which he is to be accountable.⁴

A report from the Board of War was read; Whereupon,

¹ This letter is in the *Papers of the Continental Congress*, No. 66, II, folio 170.

² This memorial, dated March 11, 1780, is in the *Papers of the Continental Congress*, No. 78, XIV, folio 397.

³ This letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 665.

⁴ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 149.

Present Mr Peters, Col. Grayson

Resolved, That the office of commissioner of cloathing accounts, established by resolve of Congress of the 2d of March, 1779, be discontinued, after six months from the date hereof; and that all persons having cloathing accounts for the year 1777, and who do not exhibit them to the said commissioner within that period, shall not receive any compensation for any arrearages they may thereafter claim to be due to them.¹

That upon the adjustment of the accounts of the State of Massachusetts Bay, they be allowed the reasonable expences incurred by them in endeavouring by a land and Naval Armament to dislodge the Enemy who had actually invaded the said State and fortified themselves at Penobscot.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 263.

their quota of Continental Taxes, for which sum the said State is to be accountable.

That an Expedition be forthwith adopted for dislodging the Enemy from Penobscot, and that Cont! pay and rations be allowed to any body of Militia not exceeding 800 men which the State of Massachusetts Bay may judge necessary to be raised by them for the defence of the Eastern part of that State.¹

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [Oliver] Ellsworth, Mr. [Thomas] Burke, and Mr. [Abraham] Clark.

Resolved, That a member be elected for the Board of Admiralty, in the room of Mr. [James] Forbes, who by reason of sickness cannot attend.

Congress proceeded to an election, and the ballots being taken,

Mr. [James] Madison was elected.

A motion was made by Mr. [Cyrus] Griffin, seconded by Mr. [Thomas] Burke,

That the resolution passed on the third day of December last for the adjournment of Congress from the city of Philadelphia be repealed.

A motion was made by Mr. [Robert R.] Livingston, seconded by Mr. [Phillip] Schuyler, that the consideration thereof be postponed. On the question for postponing, the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Peabody,	ay	} div.	Mr. Huntington,	no	} no
Folsom,	no		Sherman,	no	
<i>Massachusetts Bay,</i>			Ellsworth,	no	
Mr. Lovell,	no	} no	<i>New York,</i>		
Holten,	ay		Mr. Floyd,	ay	} ay
Partridge,	no		L'Hommedieu,	ay	
<i>Rhode Island,</i>			Livingston,	ay	
Mr. Ellery,	no	} no	Schuyler,	ay	

¹ This motion, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 65, I, folio 436.

<i>New Jersey,</i>			<i>Maryland,</i>		
Mr. Houston,	ay	} ay	Mr. Plater,	ay	}
Clark,	ay		<i>Virginia,</i>		
<i>Pennsylvania,</i>			Mr. Griffin,	no	} div.
Mr. Searle,	no	} no	Madison,	ay	
McLene,	ay		<i>North Carolina,</i>		
Shippen,	no		Mr. Burke,	no	} no
<i>Delaware,</i>			Jones,	no	
Mr. McKean,	no	} no	<i>South Carolina,</i>		
			Mr. Mathews,	ay	} ay

So it passed in the negative.

On the question to agree to the resolution, the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} no	Mr. Houston,	ay	} div.
Folsom,	no		Clark,	no	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Lovell,	no	} no	Mr. Searle,	no	} no
Holten,	no		McLene,	no	
Partridge,	no		Shippen,	ay	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	no	} no	Mr. McKean,	no	} no
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Huntington,	no	} no	Mr. Plater,	no	} *
Sherman,	no		<i>Virginia,</i>		
Ellsworth,	no		Mr. Griffin,	ay	
<i>New York,</i>			Madison,	no	} div.
Mr. Floyd,	ay	} no	<i>North Carolina,</i>		
L'Hommedieu,	no		Mr. Burke,	ay	} ay
Livingston,	no		Jones,	ay	
Schuyler,	no		<i>South Carolina,</i>		
			Mr. Mathews,	ay	} ay

So it passed in the negative.

A motion was made by Mr. [Robert R.] Livingston, seconded by Mr. [John] Mathews,

That a committee of three be appointed to report a proper place where buildings may be provided for the reception of

Congress, together with an estimate of the expence of providing such buildings and the necessary offices for the several boards.

On the question to agree to this, the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	ay	} div.	Mr. Houston,	ay	} ay
Folsom,	no		Clark,	ay	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Lovell,	ay	} ay	Mr. Searle,	ay	} ay
Holten,	ay		McLene,	ay	
Partridge,	no		Shippen,	ay	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	no	} div.	Mr. McKean,	ay	} ay
Collins,	ay		<i>Maryland,</i>		
<i>Connecticut,</i>			Mr. Plater,	ay	} *
Mr. Huntington,	ay	} ay	<i>Virginia,</i>		
Sherman,	ay		Mr. Griffin,	ay	} ay
Ellsworth,	ay		Madison,	ay	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Floyd,	ay	} ay	Mr. Burke,	ay	} ay
L'Hommedieu,	ay		Jones,	ay	
Livingston,	ay		<i>South Carolina,</i>		
Schuyler,	ay		Mr. Mathews,	ay	} ay

So it was resolved in the affirmative.

The members chosen, Mr. [William Churchill] Houston, Mr. [Thomas] McKean, Mr. [Robert R.] Livingston.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MARCH 23, 1780

The Board of Admiralty laid before Congress sundry papers and affidavits relative to the capture of the continental brig *Eagle*, when under the protection of a fort on the island Saba by several British privateers:¹

¹ The papers and affidavits are in the *Papers of the Continental Congress*, No. 44, folios 325-399.

Ordered, That they be referred to a committee of three:

The members chosen, Mr. [Robert R.] Livingston, Mr. [William] Ellery, and Mr. [Thomas] Burke.

A letter, of 22, from the Board of War on the memorial of Mayberry and Morgan, which was referred to them, was read:¹

Ordered, That the memorial of Mayberry and Morgan, iron masters, asking payment of the ballance of their account, together with the aforementioned letter of the Board of War on that subject, be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Mr. G[eorge] Plater, one of the delegates for the State of Maryland, on his application, for ten thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Jacob Hiltzeimer, on his application, for forty thousand dollars, to enable him to purchase such forage from time to time, as he shall find necessary for the use of the horses under his care; and for which sum he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. T[homas] Burke, one of the delegates for the State of North Carolina, on his application for ten thousand dollars, for which the said State is to be accountable.

That the state of the Treasury will not admit of the accepting of the bills drawn by Major General Lincoln to be paid at the sight drawn, nor does the Board know of any expedient mode of accepting them other than the following

Resolved, That the Board of Treasury be authorized to accept the bills drawn by Major General Lincoln, to be paid, at the election of the holder, either in loan office certificates

¹ This letter is in the *Papers of the Continental Congress*, No. 148, I, folio 67.

or in cash, with interest, ~~and allowance for depreciation~~ as soon as the treasury shall be in condition.

The Board are not informed of the intentions of Congress in referring to them the letter, invoice, and bills of lading from the Honorable Henry Laurens but supposing that it is necessary that Congress decide whether the same shall be taken on the account and risque of the United States submit for that purpose the following resolution:

Resolved, That the thirty two barrels and one firkin indigo and twenty nine barrels of rice, specified in the invoice and bill of lading from the Honorable Henry Laurens, shipped by him on board the brigantine *Adriana*, Josiah Hill, master, for Martinique and Europe, be on account and risque of the United States, and that the said Henry Laurens be credited for the sum of two hundred and thirty two thousand four hundred and twenty six dollars and one half, being the cost and charges.

The Board farther report as their opinion, that the principal and interest of all loan office certificates which have been, or shall be lost, or destroyed, shall be paid to the persons who shall have been proprietors of the same at the time they were lost or destroyed, or to their certain attornies, executors, or administrators, and every person who shall claim payment of principal or interest on such certificates shall enter into bond to the loan officer where the claim shall be made for double the amount of the claim with ~~freehold~~ at least one sufficient freeholder as security, to be approved by the loan officer, conditioned to indemnify the ~~holder of the certificates supposed to be lost if any such shall~~ United States against the holder of the certificates supposed to be lost or destroyed in case the same should afterwards appear, and shall also lodge an affidavit of the particular circumstances under which the loss or destruction happened, and where a demand shall be made by virtue of a letter or warrant of attorney, such letter or warrant shall not be deemed

sufficient unless the same shall be duly certified, agreeably to the laws of the State where the demand shall be made, and every such warrant or letter shall be filed in the respective loan offices.

That the Loan Officers respectively make immediate Publication of all Demands made on account of Loan Office Certificates supposed to be lost.¹

On the question to agree to this, the yeas and nays being required by Mr. [Roger] Sherman,

<i>New Hampshire,</i>			<i>Pennsylvania</i>		
Mr. Peabody,	ay	} div.	Mr. Searle,	ay	} ay
Folsom,	no		Muhlenberg,	ay	
<i>Massachusetts Bay,</i>			McLene,	ay	
Mr. Lovell,	ay	} no	Shippen,	ay	
Holten,	no		<i>Delaware,</i>		
Partridge,	no		Mr. McKean,	ay	} ay
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	} no	Mr. Plater,	ay	} *
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	} no	Mr. Griffin,	no	} no
Sherman,	no		Madison,	no	
Ellsworth,	no		<i>North Carolina,</i>		
<i>New York,</i>			Mr. Burke,	ay	} ay
Mr. Floyd,	no	} no	Jones,	ay	
L'Hommedieu,	no		<i>South Carolina,</i>		
Livington,	no		Mr. Mathews,	ay	} ay
Schuyler,	ay				
<i>New Jersey,</i>					
Mr. Houston,	ay	} ay			
Clark,	ay				

So the states being equally divided, the question was lost.

The Committee on the Post Office, to whom was referred the paragraph in Governor Trumbull's letter, of the 10th instant, relative to continuing Mr. Jesse Brown, as an express rider, delivered in a report; Whereupon,

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 151.

Resolved, That Mr. Jesse Brown be continued an express rider until the post riders shall be established, agreeable to the resolution of the 27th of December 1779, or until the further order of Congress.¹

A letter, of February 21st, from John Lewis Gervais and George Abbot Hall, commissioners for purchasing rice, was read:

Ordered, That it be referred to the Board of Treasury.

A letter from George Watson was read.²

WAR OFFICE, *March 23. 1780*

SIR.

The Board have been honored with a reference of Gen^l Washington's letter on the subject of Provisions. They have long apprehended the calamities which now seem fast approaching—which are of the most alarming nature; and they would be too happy were it in their power to propose any certain measures for remedying or preventing the evils which threaten us. But as the plan of State supplies has not yet taken effect, and the Commissary General of purchases has neither the means of engaging persons of character and abilities to assist him in procuring supplies, nor money to purchase them, they see little hopes of brighter prospects. The letters they receive from all quarters hold up universal distress from the want of money. The Convention Troops have been nearly starving, the purchasing Commissary in Virginia has, as a temporary expedient, sent the provisions from the seaboard to Charlottesville, but has no money to replace them, and therefore declares it impracticable to supply passing troops. How reinforcements for the Southern army (if any should be sent) can subsist under these circumstances the Board are at a loss to determine. The measures they have been pursuing for the attainment of a temporary supply for the grand army will appear by the inclosures. All they can do is merely palliative, and will be of short duration unless immediate measures are taken to strengthen the hands of Col. Blaine by giving him money and assistants to enable him to keep up the supply until the States

¹ This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 20, I, folio 259.

² This letter, dated February 5, 1779 [1780], is in the *Papers of the Continental Congress*, No. 78, XXIV, folio 195.

have made provision. The Board need not inform Congress of the critical situation of our army at the eve of an approaching campaign—and so far from having any thing like magazines, that they are subsisted precariously by the day. They therefore humbly propose that if practicable some method be fallen upon, to put the Commissary's Department in cash, and that he be enabled to procure men of integrity and abilities to assist him, by having it in his power to engage them on Salaries of a fixed nature, either in specie, wheat or sterling. These assistants might be discharged when there was no farther occasion of their services, and while they acted they could assure themselves of a certain support, and be excluded from the destructive plan of commissions. As the subject is of so interesting a nature, the Board have taken the liberty of expressing their sentiments, *decisively* tho' not knowing the practicability of carrying their ideas into execution, they have not formed any report on the subject—they would beg to add, that the causes which prevent the obtaining provisions preclude the possibility of transporting them, and they expect in a short time, that few or no waggons will be able to move in the public service, private teams having no temptation to work for the United States—and the continental waggons being incapable of any business from the want of Forage

We have the honor to be &c

P. S. Col. Hollingsworth has just handed us the return N^o by which it appears the measures taken by the Board will have a temporary good effect.

Inclosures N^o 1. To the Gov^r of Delaware
 2 Gov^r of Maryland
 3 Presid^t of Pennsylv^a
 4 Henry Hollingsworth
 5 from Gov^r of Maryland
 6 Presid^t Reed
 7 Henry Hollingsworth
 8 Henry Hollingsworths acco. of flour forwarded
 since the 12th inst.¹

Adjourned to 10 o'Clock on Saturday.

¹ This letter is in the *Papers of the Continental Congress*, No. 147, IV, folio 267. The enclosures are on folios 271–291. Enclosure No. 4 is missing.

SATURDAY, MARCH 25, 1780

Mr. Francis Kinloch, one of the delegates for South Carolina, attended and produced the credentials of the delegates for that State, which were read, as follows:

STATE OF SOUTH CAROLINA.

IN THE HOUSE OF REPRESENTATIVES

The first Day of February, 1780

The Honourable the Senate being come into the House of Representatives:

The Members of both Houses proceeded, jointly, to ballot for Five Delegates to represent this State in the Congress of the United States:

After which the Honourable the Senate withdrew, leaving one of their Members to see the Poll closed.

And the Ballots being reckoned:

Mr. Speaker reported, That upon casting up the Ballots, it appeared, that the Honourable Henry Laurens, John Mathews, Thomas Bee, and Francis Kinloch, Esquires, were, by a Majority of the Votes of all the Members present, duly elected Four of the Delegates to represent this State in the Congress of the United States.

A true Extract from the Journals.

PET^r TIMOTHY Clerk

*of the House of Representatives.*¹

Congress being informed that Mr. [James] Forbes, one of the delegates for the State of Maryland, died this morning, and that it is proposed to inter his remains to-morrow evening;

Resolved, That Congress will in a body attend the funeral to-morrow evening, at five o'clock, as mourners, with a crape around the left arm, and will continue in mourning for the space of one month:

That Mr. [George] Plater, Mr. [Allen] Jones, and Mr. [John] Matthews, be a committee to superintend the funeral,

¹ The original is in the *Papers of the Continental Congress*, South Carolina, *Credentials of Delegates*.

and that the Rev. Mr. White be notified to officiate on the occasion.

That the said committee be directed to invite the general assembly and the president and supreme executive council of Pennsylvania, the Minister Plenipotentiary of France, and other persons of distinction now in town, to attend the funeral.

A letter, of the 20, from General Washington, was read.

A letter, of 23, from Charles Pettit, enclosing a copy of a letter of intelligence from W. Patterson, was read:

Ordered, That the letter from Mr. Pettit, with the paper enclosed, be referred to the Board of War.

A letter, of 20, from Joseph Ward, memorials of John Pierce and Jacobus Wynkoop, and a remonstrance, memorial and petition of Henry Hollingsworth, were read:¹

Ordered, That they be referred to the Board of Treasury.

A letter from Governor Rutledge to the delegates of the State of South Carolina, was read:

Ordered, That it be referred to the Board of Treasury.

The committee, to whom were referred the papers relative to the capture of the brig *Eagle*, brought in a report; Whereupon,

Resolved, That the papers and original affidavits relative to the capture of the brig *Eagle*, John Ashmead, commander, under a fort in the island of Saba, be filed in the office of the secretary of the United States in Congress assembled.

That authenticated copies thereof, signed by the said secretary, be transmitted to their High Mightinesses the States General of the United Provinces, by the Minister Plenipotentiary of these United States at the Court of Ver-

¹ Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 451; the letter of Pettit in No. 78, XVIII, folio 271; the memorial of Pierce, dated March 25, 1780, is in No. 41, VIII, folio 104; that of Wynkoop, dated February 29, 1780, in No. 41, X, folio 424; the paper of Hollingsworth, undated, is in No. 43, folio 99.

Ordered, That the report of the committee on the device of a great Seal for the United States in Congress assembled, be referred to a committee of three:

Congress took into consideration the report of the Board of War on a motion for reducing the battalions in the army, together with Baron Steuben's thoughts thereon:

The committee, to whom was re-committed the report respecting loan office certificates brought in another report, which was read:

That the holders of certificates for monies lent to the United States, before the first day of March 1778 have the option of receiving the principal sum deposited for each certificate at the time the same becomes due, or of continuing it on loan for the further term of three years on the following conditions.

2. That the principal of all certificates taken out on or after the date last above mentioned, and before the 1st day of March 1778 and continued as aforesaid, be discharged in bills of exchange, or specie or other current money equivalent as aforesaid, diminishing the sum to be paid in proportion to the increased quantity of continental bills of credit in circulation from time to time above the millions of dollars.

3. That the annual interest arising and growing due after the principal is so continued as aforesaid be discharged in the same manner as the principal at the rate of 6 per cent upon the principal ascertained by the rules above mentioned.

Postponed. That the principal of all certificates taken out on or after the 1st day of March 1778 and before the first day of March 1780 be discharged according to a progressive rate of depreciation in geometrical proportion to the time from two dollars in Continental bills of credit for one dollar in specie on the said first day of March 1778 to forty of the former for one of the latter on the first day of March 1780, in bills of exchange or specie or other current money equivalent.

That the principal of all certificates taken out on or after the said first day of March 1780 be discharged at the rate of one dollar in specie or other current money equivalent for forty dollars in continental bills of credit.

That the annual interest be discharged in the same manner as the principal at the rate of 6 per cent upon the principal ascertained as aforesaid.

That the Board of Treasury prepare the proper Tables for direction of the Commissioners of Continental loan offices in the several States in paying the principal and interest of Loans.¹

Ordered, That the same be taken into consideration on Tuesday next.

Adjourned to 10 o'Clock on Monday.

MONDAY, MARCH 27, 1780

A letter, of 23, from General Washington;

One, of the 11 December last, from the Honorable J. Adams, at Ferrol; and of the 16 of the same month from him, at Corunna, were read.

A letter, of 20, from John Beatty, commissary general of prisoners, was read, renewing his application for leave to resign.

¹ This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 29, folio 181. It is endorsed by Thomson: "Read March 25, to be considered on Tuesday, March 28; March 28 referred to committee of the whole, the committee to sit to morrow; April 24 to be considered April 25."

Ordered, That it be referred to the Board of War, who are directed to report.

A letter, of 27 December, from J. Orde, captain of his Brittanic Majesty's ship, *Virginia*, dated, on board the said ship, at Halifax, with sundry papers enclosed, was read:

Ordered, That the same be referred to the Board of Admiralty.

A letter, of November 9, 1779, from Jon: Williams at Nantes, was read:

Ordered, That it be referred to the Board of Treasury.

The Committee of Commerce laid before Congress a letter of October 10, 1779, from J. D. Schweighauser, at Nantes, with sundry papers enclosed:

Ordered, That they be referred to the Board of War.

A letter, of 6, from James Hamilton, brigadier general of Convention troops at Charlottesville, was read:¹

Ordered, That it be referred to the Board of War.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Charles Pettit, assistant Q. M. general a warrant issue on the treasurer, on account of Major General Greene, Q. M. G. for five thousand dollars, for the use of his department; and for which he is to be accountable.

That on the application of Charles Pettit, assistant Q. M. general, a warrant issue on William Armistead, commissioner of the continental loan office for the State of Virginia, on account of Major General Greene, Q. M. G. for fifty thousand dollars, in loan office certificates, to be filled up in the name of

¹ Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 455; that of Beatty in No. 78, III, folio 447; that of Williams in No. 78, XXIV, folio 275; that of Hamilton in No. 57, folio 433. The Adams letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, pages 422 and 427.

George Washington, surviving trustee and assignee of the estate of Colonel Mercer; and for which sum the said quarter master general is to be accountable.

That upon the application of the Board of War, by their letter, of 17 February last, in behalf of Colonel Benjamin Flower, commissary general of military stores, a warrant issue on Thomas Smith, commissioner of the continental loan office, for the State of Pennsylvania, for two hundred and sixty thousand two hundred and five dollars, and 30/90, issuable in loan office certificates in favour of Messrs. Rutter and Potts, to discharge an account for shells cast by them, in consequence of a contract entered into with the said Board of War; and for which sum the commissary general of military stores is to be accountable.

That on the application of Jonathan Burrall, assistant pay master general, a warrant issue on the treasurer, in his favour, on account of William Palfrey, paymaster general, for five hundred thousand dollars, for the use of his department; and for which the said paymaster general is to be accountable.¹

The Board of Treasury, to whom was referred the resolution of the general assembly of the State of Virginia, dated November 10, 1779, respecting the widow and children of the late Lieutenant Colonel John Seayer [Sayres], report as their opinion,

That Congress by their recommendation to the several states, on the 17 of August, 1779, to provide for officers and soldiers inlisted for the war, fully takes in the present case:

Resolved, That Congress agree to the said report.

The Board of Treasury laid before Congress an extract of a letter from Jeremiah Wadsworth, late commissary general of purchases, dated February 27, 1780, representing "that

¹ These two paragraphs are in the *Papers of the Continental Congress*, No. 136, IV, folio 153.

several demands were made of him for transportation when acting in the quarter master's department, which he had refused to pay, as the people had not fulfilled their agreement; that he is threatened with actions;" Whereupon,

The Board beg leave to lay before Congress Extract of a Letter from Jeremiah Wadsworth Esq^r late Commissary General of Purchases dated at Hartford Feb^r 27th 1780, "I mentioned to the Treasury Board when at Philadelphia that I had several demands against me for Transportation when acting in the Quarter Master General's Department which I had refused to pay as the people had not fulfilled their agreements. The Act making Paper Money a Tender is now repealed, and these people threaten me with Actions. I have no doubt they will fail, but I wish for the instructions of the Board and expect their advice. I trust I shall not be left to encounter these scoundrels unsupported by the Public for whose interest I have involved myself in this trouble which I could have avoided by paying them, their receipts would have been my vouchers, and if I should be so unfortunate to have all this trouble without your patronage it will deter others from any risques of this kind in future."¹

Resolved, That Congress will support Jeremiah Wadsworth, late commissary general of purchases and formerly assistant to the quarter master general, in defending suits which shall be brought against him for such demands on account of services performed for the use of the United States, as he shall deem unjust or unreasonable.

A letter of 26, and one of 27, from the Board of War, with sundry papers enclosed, were read.²

A motion was made by Mr. [William] Ellery, seconded by Mr. [Nathaniel] Folsom,

That when Congress adjourn from Philadelphia the last Saturday of April next, they adjourn to the town of ~~Hartford~~ in the State of ~~Connecticut~~.

¹ This paragraph is in the *Papers of the Continental Congress*, No. 136, IV, folio 153.

² The letter of March 27 is in the *Papers of the Continental Congress*, No. 148, I, folio 71.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Allen] Jones, to strike out the words "Hartford" and "Connecticut", and the question, shall those words stand, passed in the negative; so the words were struck out.

A motion was made by Mr. [Oliver] Ellsworth, seconded by Mr. [James] Searle, in the ~~room of Hartford~~ first blank, to insert "Trenton;" on which the yeas and nays being required by Mr. [William] Ellery,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	ay	} ay	Mr. Houston,	ay	} ay
Folsom,	ay		Clark,	ay	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Lovell,	no	} no	Mr. Searle,	ay	} div.
Holten,	no		Muhlenberg,	no	
Partridge,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Griffin,	no	} no
Mr. Ellery,	no	} no	Madison,	no	
Collins,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Burke,	no	} no
Mr. Huntington,	no	} ay	Jones,	no	
Sherman,	ay		<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	no	} no
<i>New York,</i>			Kinloch,	no	
Mr. Floyd,	no	} no			
Scott,	no				
L'Hommedieu,	no				
Schuyler,	no				

So it passed in the negative.

Ordered, That the farther consideration thereof be postponed.

A motion was made by Mr. [John] Mathews, seconded by Mr. [Abraham] Clark,

That the resolution of Congress of the third day of December last, respecting the removal of Congress from the city of Philadelphia, be repealed.

On the question to agree to the foregoing resolution, the yeas and nays were required by Mr. Ellery [Nathaniel] Folsom,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} no	Mr. Houston,	ay	} ay
Folsom,	no		Clark,	ay	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Lovell,	no	} no	Mr. Searle,	no	} div.
Holten,	no		Muhlenberg,	ay	
Partridge,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Griffin,	ay	} div.
Mr. Ellery,	no	} no	Madison,	no	
Collins,	no		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Burke,	ay	} ay
Mr. Huntington,	no	} no	Jones,	ay	
Sherman,	no		<i>South Carolina,</i>		
Ellsworth,	no		Mr. Mathews,	ay	} ay
<i>New York,</i>			Kinloch,	ay	
Mr. Floyd,	ay	} div.			
Scott,	no				
L'Hommedieu,	no				
Schuyler,	ay				

So it passed in the negative.

The committee appointed to confer with the commissioners, and to whom was referred the report on the quarter master's department, brought in a report, which was read:

Whereas Congress on the 25th of February last Resolved, That the several States should be called on for certain supplies of Beef, Flour, and other Articles necessary for the ensuing Campaign; and that the same should be collected and deposited, or delivered, at the risque of the respective States, in such places within each State respectively as the Commander in Chief should judge most convenient: and it being necessary to provide for the safe keeping and transportation of the stores which shall be so deposited:

1 *Resolved*, That suitable store houses or Magazines be provided, in the Manner herein after directed at such places as the Commander

in Chief shall appoint for the reception of the Stores to be deposited as aforesaid.

2 That there be one Store keeper to each Magazine, to be appointed by the Board of War, who shall give bond with two sufficient sureties in such sum as shall be judged sufficient by said Board for the faithful discharge of his trust.

3 That there be three Superintendants of Magazines and transportation, to be appointed by Congress: Viz One for the Northern division of these States, including the State of New York; One for the Middle division containing New Jersey, Pennsylvania, Delaware and Maryland; and one for the Southern Division, comprehending the residue of these States.

4 That each Superintendant, ~~with the approbation of the Board of War~~ appoint a deputy for each State in his division, with the approbation of the Supreme Executive power of the State.

5 That it shall be the duty of the store keepers to receive and safely keep all stores which shall be delivered at their respective Magazines, agreeable to the Act of Congress above mentioned, for the use of the United States, first carefully inspecting the same, and rejecting all such as in their judgment are not of good and sufficient quality.

Provided nevertheless, That such Articles as the Store keeper shall reject as insufficient, shall be taken care of by him until they can be examined by impartial and Judicious Men to be mutually chosen by the Store keeper, and the State Commissioner sending such Stores, to whom the Store keeper shall give the earliest notice of the Matter: and the determination of such arbitrators shall be binding on both parties. He is also to receive and safely keep all public stores brought from any other district to be deposited in the Magazine under his care—and the Store keepers shall give receipts for all Articles delivered to them, therein expressing their sorts, quantities and qualities and the names of the Commissioner, and Conductor or Waggoner sending and delivering the same: they shall also severally keep two distinct books in one of which they shall insert an exact account of every Article by them received, and in the other a like account of all articles issued for the use of the Army or any detachment thereof: the usual course of issues to be by orders of the Quarter Master Gen^l, and Commissary Gen^l or the heads of their respective Departments in any separate Army, drawn on the Superintendants and their deputies;

and no issues shall be made by any Store keeper but by order of the Board of War; the Commander in Chief or Commander of any separate Army, the Quarter Master or Commissary General, or the heads of their respective Departments in any separate Army, or the Superintendent of the division, or his Deputy, in which such Store keeper shall serve: Except only to parties and detachments of Continental troops or Militia in ~~Continental~~ Actual service, on the returns of their respective Commanding Officers; and if in such case the Commanding Officer be a Non Commissioned Officer, he shall first produce to the store keeper the orders of his Superior Officer, specifying his route, and the number of Men put under his command, and once in every month the store keepers shall make returns to their respective Superintendants and deputy Superintendants, of all their receipts and issues, (shewing from whom the stores were received and to whom and by whose order issued) and of the stores remaining on hand; and punctually observe the Instructions of their respective Superintendants and deputy Superintendants, relative to the Stores committed to their care.

6. That it shall be the duty of each Superintendant to provide by hire at such places within his division as the Commander in Chief shall appoint, the buildings necessary for the reception and safe keeping of the stores to be there collected and deposited agreeable to the Act aforesaid of the 25th of February last; to visit all the Magazines within his division at least once in every three months, to examine into their condition and see that the stores are managed with proper care and order; to examine the storekeepers books and see that they are properly kept; to correspond with the Board of War, the Quarter Master, and Commissary General, and when the service shall require it, with the heads of those Departments in any separate Army, and to furnish them respectively once a month with a general return of the receipts and issues, and of the stores on hand at each Magazine in his division; to comply with their respective requisitions for stores; to inform them of all neglects, abuses and accidents which shall arise, to the injury or interruption of the business committed to his management; taking in the mean time the most effectual measures in his power to remedy the same. If any State Commissioner fail of furnishing the supplies required of them in due time, to give the earliest notice thereof to the executive of such State, and to the Board of War; to make timely provision for transporting his stores, adopting

the cheapest and most certain modes for this end, and preferring the hiring or contracting for the carriage of them by weight; to keep an exact register of all the Waggon and other carriages, Pack horses, vessels and Boats, he shall employ, and of the work done by them; to represent to the Board of War, those cases in which, in his opinion, either necessity or public utility require the erecting of houses for the reception and preservation of the public stores, or the building of boats or Bridges, repairing of roads, or clearing of rivers, to facilitate the transportation of them; and to apply to the executive powers of the States, in which any obstruction to the transportation shall arise for their direction and assistance in removing the same; to make such additional regulations as he shall find to be requisite for the proper and uniform management of the business committed to his direction; to transmit monthly to the Board of War, or as often after the first returns as any alterations shall take place, copies of such additional regulations, and of the contracts or terms of hire, with the names and places of abode of the owners or contractors of, and for all vessels, boats, carriages and Pack horses he shall employ, and the numbers of each furnished by such owners and contractors respectively, and to give such other returns and information relative to the business of his Department as the said Board shall require.

7. That from time to time necessary sums of money shall be furnished to the Superintendants, to be by them distributed among their deputies, to pay for the transportation of all stores from their respective Magazines: and for such other purposes as are herein after directed.

8. That it shall be the duty of the deputy Superintendants to assist their principals in the performance of the duties herein before assigned them, agreeably to the directions before given, and such instructions as they shall from time to time receive from their respective Superintendants; to examine all accounts for the transportation of stores from the Magazines and for the salaries and wages of all persons employed under them within their district; and to pay the sums they shall find to be due thereon; the salaries of the Store keepers and their clerks to be paid at the end of every three months to examine the books of receipts and issues of the store keepers within their district with their vouchers; and settle the same once in every three months.

9. That the deputy Superintendants shall regularly at the end of every three months, settle their accounts of expenditures of the public

10. That once in every three months each Superintendant shall exhibit to the Board of Treasury the Accounts of his deputies by him settled as above mentioned, together with an Account of his own expenditures of the public money at which time the Treasury Board shall report the salaries due to him, and his clerk, in order that the same may be paid.

12. That no Superintendent, deputy Superintendent or store keeper, shall own or be in any manner interested in any vessel, boat or carriage, Draft horse, or Pack horse employed in the service of the United States, on pain of being dismissed from the service.

To a Superintendant for his services, and travelling ex-
pences.....

To a deputy Superintendant for his services and travelling
expences according to the extent of his district and
quantity of business, not exceeding-----

To His Clerk for his services and travelling expences

To his Clerk

And whereas, the great number of issuing posts, established in these States have by experience been found very burthensome and expensive.

15. *Resolved.* That from and after the day of next no post without troops, there stationed and in the Continental Service, shall be continued or established in any State at the
Agreed. expence of the United States, or public provisions or forage issued there at (the Magazines before mentioned excepted) but by order of the Board of War, the Commander in Chief or Commander of a separte Army, and such order shall be given only in cases where in their opinion the obtaining provision or forage in any other way would be impracticable or attended with greater public expence and inconvenience, than by such issues.

16. And whereas it may some times happen that there is a necessity to detain hired teams, the owners of which were to find their own forage and provisions, beyond the time for which such
Agreed. teams were engaged, and who if their own forage and provisions are expended must have recourse to the public Magazines: It is Resolved that such teams and their conductors and drivers, so detained and become destitute of forage and provisions, shall be supplied out of the public Magazines upon the written order of the Officer by whose order they shall have been detained, and the Waggon Master General or his deputy, or other person under whose direction such teams shall be employed before he signs their discharge, shall cause to be endorsed thereon, by the forage Master, and Commissary or Store keeper (as the case may be) the number of rations, of Forage and provisions furnished to such teams and their conductors and drivers, that the same may be deducted out of the Wages due to the owners of such hired teams.

17. That excepting in the cases above mentioned, no provisions or forage be drawn by any person not actually serving with the Army or some detachments thereof. And Whereas it is necessary to make provision for occasional supplies to detachments and parties of Continental troops, and militia in ~~Continental~~ actual service when on their march to and from the Army or other place of service, and which cannot conveniently be supplied from the public Magazines.

18. *Resolved.* That it be recommended to the several States immediately to enact laws, authorizing and requiring justices of the peace, or other proper persons in such cases upon notice given them by the Commanding Officer of any such party or detachment as aforesaid, to cause them to be supplied by billets or otherwise, as the number of men and other circumstances shall require, with necessary Quarters, and with so many rations of provisions and forage, as such Command-

ing Officer shall certify to be necessary for the party or detachment under his command; and which shall so appear to the justice or other civil Officer to whom the application is made; together with wood and straw. Provided, that before any such issues are made for a party under the command of a Non Commissioned Officer, he shall produce to the Justice or other person of whom such supplies are demanded a written order from his Superior Officer specifying the route he was to take, the number of men put under his command, and the regiment, troop or company to which he belongs, and before the departure of such detachment or party, the Commanding Officer thereof shall give a certificate under his hand to the person furnishing such supplies: specifying the sorts and quantities of the several articles supplied (expressing the quantities in words at length and not in figures) and by whom the same were furnished; and shewing in words at length the rank of such Officer in the Army, and also (if not a general Officer) the name of the regiment, troop or company to which he belongs.

And it is further recommended to the several States to make provision for the speedy payment of all such certificates by the Treasurers of the Counties, or Towns respectively where such supplies shall be furnished. And each State furnishing such supplies of provision and forage shall be credited for the same as parts of their quotas required by the Act of Congress of the 25 February last and at the prices therein fixed; and for wood and straw credit shall be given at prices exceeding by one half the rates at which the same Articles were usually sold, at the places where furnished, in the year 1774.

19. And as in supplying such parties and detachments doubts may arise in regard to the species and quantities of provisions and forage which constitute a ration,¹

Resolved. That henceforward a ration of provisions shall consist of—

That a ration of forage shall consist of for a saddle horse 14 pounds of Hay and 6 quarts of oats; for a draught horse 16 pounds Hay and 12 Quarts of Oats Per day; or in lieu of oats, other short forage equivalent.

Agreed.

20. That double rations of grain in lieu of Hay, and double rations of hay in lieu of grain, be considered as a complete ration.

Agreed.

¹ A marginal note says: "Thus far examined."

21. That wood and straw be supplied in the following proportions viz. To every sixty men, including Officers, one Quarter of a cord of Wood per day. To every six men, including Officers twenty pounds of straw, but no straw to be allowed in summer, except in rainy weather, and for the sick: nor at any season oftener than once in three days.

22. And whereas the mode of obtaining supplies directed in the Act of Congress of the 25th February last, and the means of transporting them herein before prescribed materially alter and lessen the business of the Quarter Master General, and this change of circumstances requiring a different arrangement of his Department.

23. *Resolved*, That there be one Quarter Master General to be appointed by Congress.

24. That the Quarter Master General, with the consent of the Commander in Chief, appoint one deputy for the Main Army, and one for every separate Army, to be taken from the Line.

25. That the Quarter Master Gen^l and each of his deputies be allowed one clerk.

26. That when two or more regiments are detached and the service shall require it, the Quarter Master Gen^l and his deputy with a separate Army, be respectively authorized to appoint one of the Captains in the detachment to perform the duty of Quarter Master therein, so long as the same shall be necessary for the good of the service: and during that time such Captain shall be allowed an additional pay equal to one half of his pay as a Captain.

27. That there be one Forage Master Gen^l and one deputy for the Main Army, one deputy for each separate Army, one forage Master for each brigade, one for Head Quarters and the staff (including of the staff the Quarter Master Gen^l and his deputy, the Inspector Gen^l, the Adjutant Gen^l, the Engineers, the chief Physician and Surgeon, the Judge Advocate Gen^l, the Commissary Gen^l of prisoners, the deputy Pay Master Gen^l, the Auditors of Accounts, The field Post Master and the express riders: the latter in future to be under the direction of the Post Master attending the Army) one for the Commissary Generals Department, and one for the Department of the Field Commissary of Military stores.

28. That all Officers in the forage Department for the Main Army be appointed by the Quarter Master Gen^l, and those for a separate Army by his deputy in such separate Army, having the approbation of the

Commander in Chief, and Commander of such separate Army respectively.

29. That there be one Waggon Master Gen^l and ~~two~~ one deputy for the Main Army; one deputy for each separate Army; one conductor for Head Quarters; one to the staff; one for each brigade of the army and one for each brigade of twelve teams in the Staff Departments.

30. That the Waggon Master Gen^l his deputies and conductors be appointed in the same manner as the Officers in the Forage Department.

31. That from and after the day of next all other Officers in the Quarter Master Gen^l's Department be discontinued: the Officers of the Corps of regimented Artificers excepted.

32. That the Quarter Master Gen^l shall have full power with the consent of the Commander in Chief, to dismiss any Officer in his appointment, who shall neglect or refuse to perform the duties of his Office and to appoint, in the manner before mentioned another in his stead; and the deputy Q^r Master Gen^l with any separate Army shall have the like power in respect to all Officers in his appointment.

33. That the Quarter Master Gen^l and his deputy with each separate Army be authorized, with the approbation of the Commander in Chief and Commander of such separate Army respectively, to employ such Artificers and other workmen and labourers as shall be indispensably necessary for the service, in addition to those who are enlisted.

34. That at the end of every month the Forage Master Gen^l and his deputies shall make returns to the deputy Q^r Masters Gen^l under whom they immediately serve, of all persons employed under them respectively, and of all forage received, issued and remaining on hand, specifying from whom the same was received and to whom and by whose order issued.

35. That the Waggon Master Gen^l and his deputies with each separate Army shall make the like monthly returns of all Officers and waggoners employed under them, the number of horses, carriages and teams, under their care, their condition, from whom received, and how employed.

36. That upon the receipt of these returns each deputy Q^r Master Gen^l shall make a general return, including therein the artificers and all others employed in the department under him who are not included in the waggon and forage returns and transmit monthly one copy thereof to the Board of War, one to the Commander in Chief, or Commander

of the separate Army in which he serves, and one to the Q^r Master Gen^l: from which general returns the Quarter Master Gen^l shall form one general return of his whole Department, and monthly transmit one copy thereof to the Board of War, and one to the Commander in Chief.

37. That the Quarter Master Gen^l from time to time furnish the Board of War with estimates of all supplies necessary for his department, therein marking the time within which it is necessary that they be provided.

38. That the Quarter Master Gen^l with the approbation of the Commander in Chief, make such arrangements for conducting the business of his Department, not inconsistent with these regulations, as he shall judge to be most conducive to the public weal, describing in particular the manner in which all Officers subject to his orders shall perform their respective duties, keep their accounts, and make their returns; that the whole may be done with uniform regularity.

39. That neither the Quarter Master Gen^l nor any of his deputies shall build at the public expence any house, stable or barrack, or bridge across any river without a written order from Congress, the Board of War, the Commander in Chief or Commander of a separate Army.

40. That no Military or Staff Officer shall own or in any manner be interested in any boat, Shallop, waggon or other carriage, horse or team, employed, on hire or contract in the service of the United States, on pain of forfeiting a sum equal to that which shall have become due for the service of such boat, shallop, waggon or other carriage, horse or team, during the whole time they shall have been so employed, and for a second offence such Officer shall be dismissed from the service.

41. That the pay of all Officers, Waggoners, Artificers and others in the Department of the Quarter Master Gen^l be drawn monthly from the Military chest by warrants from the Commander in Chief or Commander of a separate Army; and for this purpose the deputy Quarter Master Gen^l, Forage Master Gen^l, and Waggon Master Gen^l with the Main Army, and the heads of those branches of the Quarter Master Gen^l's Department in separate Armies shall at the end of every month make out regular pay rolls containing the names of all persons employed in their respective branches aforesaid, their ranks and employments, the time from and to which they are to be paid, their monthly pay, the sums due to each, and a column for casualties, in

which is to be inserted the dates of deaths, desertions, discharges, and captivities; which pay rolls, with abstracts of them after being certified by the Q^r Master Gen^l or his deputy with a seperate Army, shall be presented to the Auditors of Accounts for examination, who shall certify to the Commander in Chief or Commander of a seperate Army, the sums they find to be due thereon, that warrants may be issued for the payment thereof. Provided nevertheless that the regimented Artificers in this Department shall be mustered and paid in the mode prescribed for mustering and paying a regiment of Infantry.

42. That all accounts for other services and expences in this Department be in like manner examined by the Auditors of Accounts, and paid by warrants as aforesaid out of the Military Chest.

43. That the pay of the Officers in the Quarter M^r General's Department be as follows in Spanish Milled dollars, or other money equivalent viz^t.

	Pay per month.	
The Quarter Master Gen ^l	dollars	} In addition to their respective pay as Officers in the Line.
Deputy Quarter Master General	do	
Forage Master Gen ^l ...	do	
Deputy Forage Master Gen ^l	do	
Forage Master	do	
Waggon Master General	do	
Deputy Waggon Master General	do	
Conductor	do	

And whereas it is requisite that provision be made for the carriage of the provisions, stores, and baggage of the Army,

44. *Resolved*, That the Quarter Master Gen^l cause all horses, teams, waggons and other carriages proper for the service of the Army, to be collected by the opening of the ensuing campaign, and applied, so far as they will reach, to the use of the Army; and if they are inadequate to the service, that he certify the same, and the numbers deficient, to the Board of War, who shall thereupon employ a suitable person or persons to procure, by hire or otherwise, the horses, Teams and carriages requisite to supply such deficiency.

45. That as far as possible all draft and Pack horses, Teams and carriages furnished at the expence of the United States be procured by hire or contract.

46. And whereas an Army encumbered with a Multitude of horses and carriages is embarassed in all its movements and its safety thereby frequently endangered, as they create a vast expence and render it extremely difficult, and some times impracticable, properly to subsist the horses indispensably necessary for the service.

Resolved, That henceforward the allowances of carriages and Teams be absolutely restricted to the following regulations:

To the Commander in Chief and to the Gen^l Commanding a separte Army, as many carriages and teams as the service shall require.

To a Major General	1 four horse wagon
“ a Brigadier Gen ^l	1 ditto
“ a Colonel ... }	1 ditto
“ a Lt Colonel	
“ a Major	
The Regimental Staff Viz ^t Surgeon, pay Master, Adjutant and Quarter Master	1 ditto
Every eighty men including therein a proportion of Captains and Sub- alterns	1 ditto
The Quarter Master General and Deputy with the Main Army	1 ditto and 1 two horse wagon or cart
The Deputy Quarter Master Gen ^l with a separte Army	1 two horse waggon
The forage Master Gen ^l and his deputy with the Main Army	1 four horse waggon
The Deputy forage Master Gen ^l and Deputy Waggon Master Gen ^l with a seperate army	1 ditto
The waggon Master Gen ^l and his deputy with the Main Army	1 ditto
The Inspector General	1 ditto
A Sub Inspector	1 two horse wagon or cart
A Brigade Inspector	1 ditto
The Adjutant Gen ^l	1 four horse Waggon
A deputy Adjutant Gen ^l with a sepe- rate Army	1 two horse waggon or cart

The Judge Advocate Gen ^l and Commissary Gen ^l of prisoners.....	1 four horse waggon or each of them one two horse Waggon, or Cart.
A deputy Judge Advocate Gen ^l and deputy Commissary of prisoners with a sepearte Army.....	1 two horse waggon
The provost.-Marshal with his prisoners and their guard.....	1 common four horse waggon
The Commissary Gen ^l and his deputy with the Main Army.....	1 four horse waggon
A deputy Commissary Gen ^l with a sepearte Army.....	1 two horse waggon or cart
The field Commissary of Military Stores, and his deputies with the Main Army.....	1 four horse Waggon
His deputy with a sepearte Army.....	1 two horse waggon or Cart.
The Auditors of the Main Army.....	1 four horse waggon
The Auditors of a sepearte Army.....	1 four or 1 two horse waggon, as the service shall require
A deputy Pay Master Gen ^l	1 ditto.
The field Post Master and express riders.....	1 two horse waggon.

Medical Department—

47. That for the carriage of stores, provisions and forage, and for the flying hospital, there be allowed to the Commissary Gen^l, the forage Master Gen^l, the Field Commissary of Military stores, and the Physician and Surgeon General or other Director of the flying Hospital respectively, and to the heads of those Departments in a sepearte Army, such a number of carriages as the service shall from time to time indispensably require, of which reports shall be made by those Officers respectively to the Commander in Chief, and Commander of such Seperate Army, who are respectively to determine thereon the numbers to be allowed.

48. That no horse belonging to the United States shall be allowed to any Officer in the service, either for a riding or bat-horse; but in lieu thereof shall be paid in Spanish Milled dollars, or other money equivalent.

To a Pay Master, an Adjutant and a Quarter Master of a regiment, each	dollars.
To a field Conductor of Military Stores	
To a Conductor of baggage and provision waggons ..	
To the Provost Marshal	

In consideration of which it shall be the duty of these officers to keep themselves constantly provided each with an able horse sufficient for the services on horseback incumbent on these officers to perform.

49. And in order to prevent all unnecessary consumption of forage,

~~Resolved, That forage be issued in the following and in no other manner or proportion whatever~~ That in addition to the forage necessary for the Waggon horses allowed by these regulations there be issued

To the General and Commander in Chief of our Armies, and to the General Commanding any separate Army so many rations for their horses and those of their suite, as the service shall require.

To a Major General for himself and family	7 rations
A Brigadier Gen ^l for himself and family	6 do
A Colonel	2 do
A L ^t Colonel	2 do
A Major	2 do
A Chaplain	1 do
A Surgeon	1 do
A Pay Master	1 do
An Adjutant	1 do
A Quarter Master	1 do
A Captain of Engineers	1 do
To the Quarter M ^r Gen ^l in addition to his allowance as an Officer in the Line	2 do
To a deputy Quarter M ^r General besides his allowance as an Officer in the Line	1 do
To the Forage Master General	3 do
A Deputy Forage Master General	2 do
A Forage Master	1 do
To the Waggon Master General	3 do
A Deputy Waggon Master General	2 do
A Conductor	1 do
To the Inspector General in addition to his allowances as a Major General	2 do
A Sub. Inspector as such, and as L ^t Colonel	3 do

A Brigade Inspector as such: and as Major and Major of Brigade	2 rations
To the Adjutant Gen ^l as such and Assistant Inspector General for himself and family	6 do
A deputy Adjutant Gen ^l in addition to his allowance as an Officer in the Line	1 do
To the Commissary Gen ^l of Prisoners	2 do
A deputy serving with the Army	1 do
To the Judge Advocate General	2 do
A deputy Judge Advocate General	1 do
The Provost Marshal & assistant	1 do
To the Commissary General	4 do
A Deputy Commissary General	2 do
A Commissary	1 do
To the field Commissary of Military Stores	2 do
A deputy field Commissary of Military Stores	1 do
A Conductor	1 do
To a deputy Pay Master General	1 do
To each Auditor of the Army	1 do

50. That the forage hereby allowed shall be issued by the Forage Masters with regularity and exactness by rations, each ration to consist of the quantities herein before established; and no more than one ration shall be issued for one horse for 24 hours.

51. That forage for the waggon horses be issued on the returns of the respective conductors, countersigned by the Waggon Master Gen^l or his deputy: and for other horses on the orders

Agreed.

of the Officers entitled to receive forage by virtue of these regulations, and if any Officer in the Forage Department shall issue Forage in any other Manner, or in larger proportions than is prescribed in the foregoing regulations, he shall be charged with and pay the full value of such extra forage, and ~~for a second Offence~~ be dismissed from the service.

52. And whereas the movements of the Army, and the various events of War, the Marching of new Levies, or of corps or detachments, to or from the Army or some post, may occasion sudden demands for horses, waggons and teams, which cannot be seasonably furnished in the manner before directed,

Resolved, That in such cases the Quarter Master Gen^l, and his deputy with each separate Army, and the Officers commanding such

new levies, Corps and detachments, be authorized to procure, by hire or contract so many draft horses, waggons and Teams as shall be indispensably necessary for the service, and which cannot be seasonably provided in the manner before directed. And whereas it may happen in some cases that the horses, waggons and teams necessary for the service as above mentioned cannot be procured by hire or contract.

53. *Resolved*, That it be recommended to the several States to pass laws authorizing and directing any Justice of the Peace upon the requisition of the Board of War, the Commander in Chief, or Commander of a separate Army, or of any officer commanding a party, Corps or detachment as aforesaid, such requisition to be in writing, and shewn unto him, to issue his warrant to the constables of the Town or district, or other proper Officers, requiring them to procure by impressing or otherwise, such draft horses, carriages, and teams, with able men to drive the same, as shall by the requisition aforesaid be demanded; or as in the case of the Commanding Officer of a party, Corps or detachment shall appear to the Justice to be necessary. And whenever horses, carriages and teams shall be hired or impressed as before mentioned, the Waggon M^r General or his deputy or other Officer under whose direction they are employed, and in the case of a party, corps or detachment as aforesaid the commanding Officer thereof: shall before they are discharged, give to their owners or drivers, certificates specifying the number of days they were employed, the weights of their loads (as nearly as they can be ascertained) and the length of way they have carried the same, with such other particulars as shall be necessary to ascertain the value of their services: which certificates being presented to the deputy Superintendant of the State in which such services have been performed, he shall immediately pay them off at the same rates as for horses and carriages employed by him in the transportation of stores.

54. And in order to prevent the waste of Forage during the Marches, and in the Camps and Quarters of the Army, and to effect a regular distribution of the same.

Resolved, That it be recommended to each of the States to enact laws directing and requiring that whenever a Continental Army shall be in such State, one of the Commissioners thereof for providing supplies for the Army do constantly attend it and take possession of all forage which shall be found within the limits of the Camp

or Quarters of the Army and in its vicinity (under such restrictions as the States respectively shall judge proper) and deliver the same over to the Forage Master General or his Deputy: The Forage so delivered to be credited to the State furnishing the same at the prices fixed in the resolve of the 25 February last, as part of its quota of supplies thereby required, and during the season when green forage may be obtained that the said Commissioner do, in like manner take, and put the Forage Master Gen^l or his deputy in possession of all the fields and pastures necessary for the Army within the Camp and its environs: And the Forage Master Gen^l or his deputy shall regularly appropriate the same to the use of the Army. The value of such green forage and pastures to be ascertained by the said Commissioner and the Forage M^r General or his deputy: The prices to be estimated in Spanish Milled dollars, at one half more than the green forage and pastures so estimated were worth in the year 1774, the amount thereof to be credited to the State thus furnishing the same, as part of its quota of the supplies required as aforesaid. And in case of disagreement between the Commissioner and forage Master in regard to the value of such green forage and pastures, they shall mutually appoint disinterested and judicious arbitrators to appraise the same, whose decision shall be final. And for all forage, green and dry and pastures furnished as above mentioned, the Forage Master Gen^l or his deputy receiving the same, shall give certificates, specifying the sorts and quantities and the prices thereof, in words at length and not in figures: which certificates shall be deemed sufficient vouchers for charging the same to the United States. And whenever forage and pastures shall be furnished in the manner above described, none shall be taken or fed in any other way unless in cases of necessity by the special orders of the Commander in Chief, or Commander of a separate Army.

55 And it is further Resolved—

That until such Commissioners as before mentioned, shall be appointed, and afterwards in their absence it shall be the duty of the Forage Master Gen^l and his deputy to take possession of and regularly appropriate to the use of the army all forage and pastures necessary for its consumption found as aforesaid within the limits of the Camp or Quarters of the Army and in its vicinity, cause the same to be appraised and give certificates thereof in the manner before directed.

56 And it is further recommended to the several States to make provision for the speedy payment of all such certificates to the holders of them; which payments being made, such certificates with the receipts thereon of the parties to whom they were given shall be deemed sufficient vouchers for charging the United States with the amount thereof as part of the supplies aforesaid required of the State so furnishing the same.

57 And in order to prevent any waste and unequal distribution of Forage; it shall be the duty of the Forage Master General and his deputy to take possession of the Forage, they shall find, as well at the Quarters of General and other Officers of the Army as elsewhere, and regularly appropriate the same to the General use of the Army.

58 And whereas the supplies called for as aforesaid by the resolve of the 25th of February last may be inadequate to the demands of the ensuing Campaign; and as a larger proportion of some Articles than is therein assessed on the States wherein the Army may lay, and those adjoining may be essentially necessary for its use, and yet from the nature of such supplies or other circumstances it may be impracticable to draw them from more distant States.

Resolved, That it be earnestly recommended to the several States to authorize and require their respective Commissioners for procuring the supplies aforesaid to furnish such additional quantities, *beyond their quotas, set by the resolve aforesaid* as Congress or the Commander in Chief, or Commander of a separate Army shall call for, and can be procured in such State or States on which demand shall be made—and for all *such* additional supplies the State furnishing the same, shall be paid the value in specie, or other current money equivalent, at the rates fixed in said resolve of the 25th of February last, with interest at six per centum per annum, from the time such additional supplies shall be delivered at the army or deposited as in that Resolve is directed.

59 And Whereas the change in the system of the Quarter Master Genl's Department to be hereby effected renders it necessary to prescribe some mode of procuring Camp equipage and other Articles usually provided by the Quarter Master General.

Resolved, That all Camp equipage, ammunition waggons, intrenching and other Tools and Materials heretofore provided by the Quarter Master General shall henceforward be provided by the Commissary General of Military Stores under the direction of the Board of War,

and such of them as are carried into the field, shall be committed to the care of the field Commissary of Military stores, who shall issue the same, and keep his accounts and make returns of them in like manner as of the Military stores, excepting however all Timber, boards and other Articles which are to be found in the vicinity of the Army, and can more easily and properly be provided in the field than by the Commissary Gen^l of Military stores. And such timber and other articles shall accordingly be procured by a Contractor to be appointed for that purpose by the Quarter Master General, and Commanding Officer of the Artillery, out of the Officers of the Artillery Artificers or Quarter Master's Artificers, who shall supply both departments agreeably to the orders of the Quarter Master General and Commanding Officer of the Artillery.

The monies necessary to enable the contractor to procure such supplies, to be drawn from the Military Chest on the applications of the Quarter Master General and Commanding Officer of Artillery respectively: And the Accounts of the Contractor examined and settled by the Auditors of Accounts, once in every three months.

The foregoing regulations as part of the proposed plan for arranging the Staff Departments, are respectfully submitted by

TIM PICKERING }
THOMAS MIFFLIN } *Commissioners.*

Philadelphia }
27 March 1780 }

Approved by the Committee
ROGER SHERMAN
*Chairman*¹

Ordered, That the committee confer with Major General Greene, Q. M. G. on the subject.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MARCH 28, 1780

A petition of Campbell, Cooper and Tapp was read:²

Ordered, That it be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

¹ This report is in the *Papers of the Continental Congress*, No. 22, folio 155.

² This petition, dated March 27, 1780, is in the *Papers of the Continental Congress*, No. 42, II, folio 72.

Resolved, That the resolution of the 2d of July, 1779, granting further time for bringing in bills of credit of the emissions of May 20th, 1777, and April 11, 1778, called out of circulation by the resolution of the 2d of January, 1779, except the providing clause, be revived and extended to the first day of January next: ~~and that all other regulations and restrictions therein declared be observed except that the Persons possessed of the same be only required to swear or affirm that they did not obtain the bills of the numbers and denominations specified directly or indirectly at a discount.~~

That all bills of the said emissions not brought in by or before the said first day of January next, be afterwards irredeemable.¹

The committee appointed to confer with Major General Greene, Q. M. G. delivered in a report, which was read.

The Committee appointed to confer with the Commissioners for reformation of the Staff Departments &c have according to order had a conference with Major Gen^l Green respecting the Quarter Master's Department, who is desirous of knowing the sense of Congress respecting his conduct in the Office of Quarter Master General, and your Committee being well satisfied that he has executed said office with great integrity care and diligence—beg leave to submit the following Resolution:

Resolved. That Congress have a high sense of the abilities and fidelity of Major Gen^l Green in the execution of the important Office of Quarter Master General.²

On motion of Mr. [Philip] Schuyler, seconded by Mr. [Roger] Sherman,

Resolved, That a committee of three be appointed to prepare and report a letter to the executive powers of the several

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 155.

² This report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 22, folio 157. It is endorsed by Charles Thomson: "Delivered and read March 28, 1780. Motion to take it up and consider it passed in the negative."

states, stating the necessity of procuring and forwarding immediate supplies of provisions, &c. for the army.

The members chosen, Mr. [Frederick A.] Muhlenberg, Mr. [Oliver] Ellsworth, and Mr [Philip] Schuyler.

According to order, Congress took into consideration the report of the committee respecting loan office certificates, and after debate,

Ordered, That it be referred to a Committee of the Whole.

Resolved, That to morrow Congress be resolved into a Committee of the Whole, to consider the report referred to them.

Motion of Mr Mathews March 28, 1780, respecting taking up business.

Resolved that when a motion is made for taking up any particular business the question shall be taken without debate.¹

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MARCH 29, 1780

A letter, of 26, from General Washington was read:

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Roger] Sherman, Mr. [Thomas] Burke, and Mr. [James] Searle.

A letter, of 27 February, from Colonel Broadhead, directed to the Board of War, was laid before Congress and read:²

Ordered, That it be referred to a committee of three.

The members chosen, Mr. [Cyrus] Griffin, Mr. [Philip] Schuyler, and Mr. [James] Searle.

A report from the Board of Treasury was read; Whereupon,

¹ This motion, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 36, I, folio 69. It was not entered in the Journal.

² Washington's letter of March 26 is in the *Papers of the Continental Congress*, No. 152, VIII, folio 459; it has been printed in part in the *Writings of Washington* (Ford) VIII, 224; Brodhead's letter is in No. 78, III, folio 441.

Ordered, That the following warrants issue on the treasurer, viz.

One in favour of Richard Phillips, steward to the President of Congress, for three thousand dollars, on account of his salary, &c.; for which he is to be accountable.

One in favour of Mr. [William] Ellery, one of the delegates for the State of Rhode Island, for six thousand dollars, for which the said State is to be accountable.

One in favour of William Govet, one of the commissioners of the chamber of accounts, on his application, for ten thousand dollars, on account of his salary; and for which he is to be accountable.

One in favour of the delegates for the State of New Hampshire, for five thousand dollars, for which the said State is to be accountable.

One in favour of Charles Thomson, secretary, for ten thousand dollars, on his application; and for which he is to be accountable.

One in favour of Robert Patton, messenger, for one thousand dollars, to be applied in the purchase of fire wood, for the use of Congress; and for which sum he is to be accountable.

And one in favour of John L. Clarkson, Junior, clerk to the Board of Treasury, for five thousand dollars, on account of his salary; and for which he is to be accountable.

The [Board] beg leave further to report

That they have taken into consideration the letter referred to them from John Lewis Gervais and George Abbot Hall of South Carolina dated the 21 of February who were appointed by a Committee of Congress Agents for the purchase of Rice in South Carolina for the supply of the army and the Count D'Estaing's Fleet, are of opinion that as no vouchers are produced the account referred to in the said letter cannot be liquidated in the ordinary mode, and therefore the Board cannot report that payment be made of the Bills mentioned as a balance of account or partial payment

That they are of opinion the charge of five per cent Commissions in the said account is too high for the service, but as injury or inconvenience might arise from protesting the Bills, the Board beg leave to report

Ordered, That the bills drawn on the President of Congress by John Lewis Gervais and George Abbot Hall, of South Carolina, agents appointed by a committee of Congress for the purchase of rice in that State, viz.

One in favour of Don Miguel Lorenzo y Inard, for one hundred and twelve thousand dollars.

One in favour of Don Lewis Landa for thirty seven thousand one hundred and ninety dollars.

One in favour of the Honorable John Mathews, for sixty one thousand six hundred dollars, and another in favour of the same, for forty eight thousand dollars, the whole amounting to two hundred and fifty eight thousand seven hundred and ninety dollars, be accepted to be paid by a warrant on the loan office for the State of Pennsylvania, and charged to the account of the said agents.¹

Mr. Charles Lee was nominated by Mr. [Thomas] Burke for the office of secretary to the Board of Treasury; Mr. John Nicholson was nominated for the said office by Mr. [Nathaniel] Peabody.

According to order, Congress was resolved into a Committee of the Whole; and after some time, the President resumed the chair and Mr. [George] Plater reported, that the committee have had under consideration the report referred to them and have made some progress, but not having come to a conclusion, desire leave to sit again.

Resolved, That to morrow Congress be resolved into a Committee of the Whole, to consider farther the report referred to them.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 157.

A letter, of 27, from General Washington was read; Whereupon,¹

Resolved, That Brigadier General du Portail be directed to repair, with all possible despatch, to the southern army, and put himself under General Lincoln, or the commanding officer in the southern department.

Ordered, That so much of the letter as relates to supplying Brigadier General Duportail with money be referred to the Board of Treasury.

The Board of Admiralty beg leave to lay the enclosed papers before Congress, and to receive their instructions thereon.

By Mr Langdon's letter and estimate it will appear that to compleat the 74 gun ship building under his agency he requires an immediate supply of money. That his funds are totally exhausted and by letters of a late date from the Commissioners of the Navy Board in the Eastern Department this Board are also informed that they "will soon be drained of the last shilling."

The Board would also inform Congress that the *Bourbon* building in Connecticut is almost ready for launching, and her sails, and a principal part of her rigging and other materials provided; and that unless they can have a supply of money she must remain on the stocks unfinished to the great injury of the Public.

In this situation the Board can conceive no other mode of supply than by warrant issuing on the Continental Treasurer or upon the State Treasurers of Massachusetts Bay and New Hampshire payable out of the money arising from taxes; or that part of the sugars and rum in the hands of the Continental Agent in Boston should be sold and the monies arising from the sale be applied for fitting out the *Bourbon* and to prepare the 74 Gun Ship for launching.

Beside the injury the 74 Gun Ship will receive by remaining on the stocks from the weather, she is, from her situation exposed to be destroyed by the Enemy unless a guard is constantly kept up at considerable expence for her protection. Whereas if she can be so far compleated as to be launched, she may then if we should not be in a capacity to fit her for sea be moved up the River to a place of safety.

¹ This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 471.

As the Board conceive the last will be the most eligible mode of supply, they therefore beg leave to report, That the Board of Admiralty be authorized to cause such part of the sugars and Rum in the hands of the Continental Agent at Boston to be disposed of as shall be necessary to compleat the 74 Gun Ship now building at Portsmouth for launching, and also for fitting out the *Bourbon*.

March 29th 1780.¹

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MARCH 30, 1780

A letter of H. Gurney was read, ~~desiring that his house in which the President resides may be delivered up to him; Whereupon,~~

Resolved, That the house of Joseph Pemberton, hired by the Board of Treasury, be appropriated for the use of the President of Congress.

A letter, of 29, from E. Blaine, commissary general of purchases, was read:²

Ordered, That it be referred to a committee of three, and that they be directed to confer with Mr. Blaine.

The members chosen, Mr. [John] Mathews, Mr. [William] Ellery, and Mr. [Roger] Sherman.

A letter, of 11, from Doctor I. Forster to the Medical Committee was laid before Congress and read.

Ordered, That it be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon,

AT A BOARD OF WAR *March 29, 1780.*

Present Mr Peters Col^o Grayson

The board having taken into consideration the letter from Brig^o Gen^l Hamilton of the convention Troops and the other information received by them on the same subject,

Beg leave to report

¹ This report is in the *Papers of the Continental Congress*, No. 37, folio 211. It is endorsed: "Read March 29," but is not mentioned in the Journal.

² This letter is in the *Papers of the Continental Congress*, No. 165, folio 349.

Resolved, That the executive of the State of Virginia be requested to supply a sufficient quantity of provisions, for the use of the Convention prisoners, and their guards at the post of Charlottesville—such supplies to be credited to the quota of provisions required of the State, by the resolution of the 25th of February last,

That the sum of dollars be sent to the Commissary of purchases at the post of Charlottesville, for the purpose of procuring supplies for the immediate use of the garrison.¹

Ordered, That the remainder of the report be referred to the Board of Treasury.

According to order, Congress was resolved into a Committee of the Whole; and after some time, the President resumed the chair and Mr. [George] Plater reported, that the committee have had under their farther consideration the report referred to them ~~and have made some progress therein~~, but not having come to a conclusion, desire leave to sit again.

Resolved, That to morrow Congress be again resolved into a Committee of the Whole, to consider farther the report referred to them.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MARCH 31, 1780

A memorial from Caleb Spencer and others to the general assembly of Connecticut, with a report of a committee and order of the assembly thereon, transmitted to the delegates of the said State, was laid before Congress and read:²

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Abraham] Clark, Mr. [Samuel] Holten, and Mr. [Oliver] Ellsworth.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 293.

² This memorial, dated March 10, 1780, is in the *Papers of the Continental Congress*, No. 41, IX, folio 102.

A petition of Joseph Borden and one of James Budden and Thomas Lawrence were read:¹

Ordered, That they be referred to the Board of Treasury.

A report from the Board of War was read; Whereupon,

Resolved, That the resignation of John Beatty commissary general of prisoners be accepted.

That ——— be appointed Comm^y Gen^l of Prisoners in the room of John Beatty Esq^r resigned, and that he repair to Head Quarters immediately and take the directions of the Commander in Chief.²

The following gentlemen were put in nomination for that office:

Mr. Joseph Ward, by Mr. [George] Partridge,

Mr. Ezekiel Williams, by Mr. [Oliver] Ellsworth,

Mr. Abraham Skinner, by Mr. [William] Floyd.

Mr. Joseph Ward was nominated by Mr. [Abraham] Clark, for the office of commissioner of the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the managers of the United States lottery, in favour of Brigadier General du Portail, for twenty thousand dollars, for which he is to be accountable.³

That on the recommendation of the Board of War, by their letter of the 22d instant, in behalf of Mayberry and Morgan, for a ballance due them on a contract with the said Board for military stores, a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, for the sum of one hundred and seventeen

¹ The petition of Borden, dated March 31, 1780, is in the *Papers of the Continental Congress*, No. 42, I, folio 218; that of Budden and Lawrence dated March 31, 1780, is in No. 41, I, folio 280.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 297.

³ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 169; the three paragraphs following are on folio 163.

thousand two hundred and sixty one dollars and sixty nine-tieths, issuable in loan office certificates, to be charged to the commissary general of military stores.

On the petition of Jacobus Wynkoop, the Board report, that they are not officially competent to determine his rank and standing in the army, which must in their opinion be done before any report can be made for pecuniary allowances.

On the memorial of Henry Hollingsworth, the Board report, That they find no sufficient reason in the case of Mr. Hollingsworth for deviating from the established mode of settling accounts; and as he will have the regular remedy by appeal in case he thinks himself aggrieved, they cannot perceive that he is in any danger of suffering injury or injustice.

According to order, Congress was resolved into a Committee of the Whole, and after some time, the President resumed the chair and Mr. [George] Plater reported that the committee have had under their farther consideration the report referred to them, but not having come to a conclusion, desire leave to sit again.

Resolved, That on Monday next Congress be resolved into a Committee of the Whole, to consider farther the report referred to them.

Ordered, That to morrow be assigned for the consideration of the report of the committee appointed to confer with the commissioners, and to whom was referred the report on the quarter masters department.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, APRIL 1, 1780

A letter, of 26 March, from J. G. Dericks, was read:¹

Ordered, That it be referred to a committee of three.

The members chosen, Mr. [John] Mathews, Mr. [Roger] Sherman, and Mr. [William] Ellery.

¹ This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 277.

A report from the Board of Treasury was read; Whereupon,

The Board beg leave to report specially on the petition of Hannah Thomas, relict and Executrix of the late Major General Thomas (to them referred) as follows:

That it appears by an account stated between the United States and the said General by the Commissioners of accounts at Albany for which vouchers have been produced that they have given him credit for one hundred and fifty three pounds thirteen shillings and two pence New York money; for various Disbursements in Canada, and charge several sums paid him in Canada in like money, by Pay Master Winslow and General Wooster, amounting to six hundred thirty three pounds, two shillings and eight pence; and supposing this to be a specie account the balance in favor of the States is £111.1.2. But it is alledged on the part of the Executrix (and if it had been allowed would have reduced this balance) that by a memorandum found in the Generals pocket, eight pieces of dowlas sheeting had been purchased by him, for the use of the Hospitals, to which no price was affixed. The Commissioners have not admitted this on a supposition a certificate had been given for them to the person of whom they were purchased, and may hereafter appear that the residue of the account

s.d

is for pay to the amount of D1215.5.4 from which deducting the above

s.d

£111.1.2 leaves a balance of D¹¹1094.4.2 of the said currency due to the Executrix, it is therefore proposed

Ordered, That a warrant issue on Nathaniel Appleton, commissioner of the continental loan office, for the State of Massachusetts Bay, in favour of Hannah Thomas, executrix of the late Major General Thomas, for ~~two thousand seven hundred thirty five~~ one thousand and ninety four dollars and forty seven ninetieth of a dollar, in specie, or an equivalent in continental bills, to be computed at forty for one, in discharge of an account of sundry disbursements made by him in Canada and of his pay.¹

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folios 163 and 165.

The committee, to whom was referred the letter of 27 February last, from Colonel Broadhead, delivered in a report, which was read.

The committee, to whom was referred the act of the legislature of the State of New York, entitled "An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America," report that they have met on the business, but not being able to agree to any resolutions thereon, desire to be discharged:

Resolved, That the said committee be discharged.¹

According to order, Congress proceeded to the consideration of the report of the committee assigned for this day, and some time was spent thereon.

A letter, of this day, from E. Blaine was read:

Ordered, That it be referred to the Board of Treasury.

Ordered, That Mr. [William] Floyd Mr. [Ezra] L'Hommedieu, Mr. [George] Partridge and Mr. [Roger] Sherman, have leave of absence.

Ordered, That Tuesday next be assigned for electing a judge of the Court of Appeals, in the room of Mr. Wythe, who has declined.

Adjourned to 10 o'Clock on Monday.

MONDAY, APRIL 3, 1780

A letter, of 28 March, from General Washington was read:²

Ordered, That it be referred to the Board of War.

The Committee of Commerce laid before Congress a letter, of 14th March, from Curson and Gouverneur, which was read, enclosing a deposition by sundry persons, relative to the capture of the brig *Eagle* at Saba:

¹ This resolution and preamble were also entered in No. 9 (History of the Confederation) of the *Papers of the Continental Congress*, together with a copy of the Act in question.

² This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 475.

Ordered, That the said deposition be filed in the office of the Secretary of the United States in Congress assembled, and that a copy of the same, attested by the Secretary, be sent with the other papers on that subject as ordered by the resolution of 25 March last.

The delegates of the State of Connecticut, pursuant to instructions from the legislature of the said State, moved the following resolution, which, at their request, Congress agree shall be entered on the Journal:

“That the several states be authorized, by and with the advice of the Commander in Chief of the army, to reduce their battalions of infantry in the continental army to a number proportioned to the number of non-commissioned officers and privates, according to the establishment made by a resolution of Congress, of the 27 of May, 1778, and to discharge the supernumerary commissioned officers, who shall be entitled to half pay for seven years from the time of their discharge, to be paid in specie, or other current money equivalent; and also to receive grants of land at the close of the war, agreeable to the resolution of the 16 of September, 1776: that preference be given to officers who shall chuse to continue in the service, according to seniority, and that the said reduction be made at such time as the Commander in Chief shall think most expedient; and that it be recommended to the respective states to make such further provision for the said officers as they may judge reasonable.”¹

Ordered, That Thursday next be assigned for the consideration of the foregoing motion.

A letter, of 27 March, from Jacob Cuyler, enclosing a copy of a letter, of 7 of same month, to him from the president of the State of New Hampshire, was read:²

Ordered, That the same be referred to a committee of three.

The members chosen, Mr. [John Morin] Scott, Mr. [Allen] Jones and Mr. [William] Ellery.

¹ This motion, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 36, I, folio 67^a.

² This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 459.

A report from the Board of Treasury was read; Whereupon, *Ordered*, That on the application of Joseph Carleton, paymaster to the Board of War and Ordnance, a warrant issue in his favour, on the managers of the United States lottery, for twenty thousand dollars, for the use of that department, and for which he is to be accountable.

That on the application of Jonathan Burrall, assistant to William Palfrey, paymaster general, a warrant issue on George Brooke, treasurer of the State of Virginia, in favour of Benjamin Harrison, deputy paymaster general, for one hundred thousand dollars (being part of the monies raised in that State for the use of the United States), for the pay of the troops in that department; and for which the said deputy paymaster general is to be accountable.

That a warrant issue on the treasurer, in favour of Resolve Smith, one of the commissioners of the chambers of accounts, for ten thousand dollars, on account of his salary; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Thomas Edison, one of the clerks in the Secretary's office of Congress, for five thousand five hundred dollars, on account of his salary; and for which he is to be accountable.¹

A letter, of this day, from E[lbridge] Gerry, was read; Whereupon,²

A motion was made by Mr. [George] Partridge, seconded by Mr. [Nathaniel] Peabody,

That to morrow, immediately after reading the Journal, the Honorable Elbridge Gerry, Esquire, be heard on the subject of his letter.

On which the previous question was moved by Mr. [Thomas] Burke, seconded by Mr. [Cyrus] Griffin; and on

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 167.

² This letter is in the *Papers of the Continental Congress*, No. 78, X, folio 211.

the question to agree to the previous question, the yeas and nays being required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>		<i>New Jersey,</i>	
Mr. Peabody,	no	Mr. Houston,	no
Folsom,	no	Clark,	ay
<i>Massachusetts Bay,</i>		<i>Pennsylvania,</i>	
Mr. Lovell,	no	Mr. Searle,	no
Holten,	no	Muhlenberg,	no
Partridge,	no		
<i>Rhode Island,</i>		<i>Maryland,</i>	
Mr. Ellery,	no	Mr. Plater,	ay
Collins,	no	<i>Virginia,</i>	
<i>Connecticut,</i>		Mr. Griffin,	ay
Mr. Huntington,	no	Madison,	ay
Sherman,	no	<i>North Carolina,</i>	
Ellsworth,	no	Mr. Burke,	ay
<i>New York,</i>		Jones,	ay
Mr. Scott,	no	<i>South Carolina,</i>	
Schuyler,	no	Mr. Mathews,	ay
		Kinloch,	ay

So it passed in the negative.

The question to agree to the main question, passed in the negative.

A letter, of 9 March, from the governor of New York, was read, enclosing a concurrent resolution of the senate and assembly of that State:

Ordered, That the same be referred to a committee of three.

The members chosen, Mr. [John] Mathews, Mr. [Abraham] Clark and Mr. [James] Madison.

A letter, of this day, from N. Greene, Q. M. G. was read, with sundry papers enclosed.¹

Congress proceeded to the election of a secretary to the Board of Treasury, and the ballots being taken,

¹ The New York letter is in the *Papers of the Continental Congress*, No. 67, II, folio 238. There is a duplicate on folio 242. Greene's letter is in No. 155, I, folio 220.

Mr. Charles Lee was elected, ||having been previously nominated by Mr. Burke.||

The following gentleman was nominated for the office of judge of the Court of Appeals.

Richard Henry Lee, Esquire, by Mr. [William] Ellery.
Adjourned to 10 o'Clock to Morrow.

TUESDAY, APRIL 4, 1780

A petition of Lieutenant W. Honeyman was read:¹

Ordered, That it be referred to the Board of War.

A letter, of 3, from Major General Greene, quartermaster general, and

A letter, of 28 March, from Doctor J. Morgan, were read.²

The committee, to whom was referred the motion of Mr. [Philip] Schuyler, brought in a report which was read.

The Committee appointed on the motion of Mr. Schuyler, report the following draft of a letter to be sent to the executive powers of the several states.

Congress are obliged to call on the ~~executive powers~~ of several states, to use every possible exertion to expedite the public supplies, the present deficiency is very great, and, if continued must be fatal.

There is no money in the treasury, and scarce any provisions in the public magazines. The states ~~have been~~ are greatly deficient in the quotas of money, they ~~were~~ have been called on to furnish for. More than fifty millions of dollars, of the quotas that have become due to this time, remain unpaid. ~~This failure has~~ Every department is exceedingly embarrassed for want of money ~~every department.~~ ~~Those particularly of the commissary and quartermaster for want of money or ability to extend their credit any farther than they have already done, are come to a stand, both with regard to purchases and transportation.~~ In consequence of which the army begin again to be in want, and without immediate and decisive exertions for their relief they must disband or feed provide for themselves.

¹This petition, dated April 3, 1780, is in the *Papers of the Continental Congress*, No. 42, III, folio 379.

²Morgan's letter is in the *Papers of the Continental Congress*, No. 63, folio 169; that of Greene is in No. 155, I, folio 236.

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which was read; \

Resolved, That
approve the raising

¹ This report, undated, i
Continental Congress, No.

defence of that State; and that they be entitled to receive continental pay and rations, and be employed under the direction of the Commander in Chief of the continental army for that purpose.¹

Congress took into consideration the report of the committee on the motion of Mr. [Philip] Schuyler; and after debate,

Ordered, That it be committed to a committee of three:

The members chosen, Mr. [Robert R.] Livingston, Mr. [Thomas] Burke and Mr. [John] Mathews.

The committee, to whom was referred the letter from Jacob Cuyler, with the copy of a letter from the president of the State of New Hampshire, delivered in a report.

The Committee to whom were referred the letter from Jacob Cuyler Esq: Deputy Commissary Gen^l of purchases at Albany to Philip Schuyler Esq. a Member of Congress and the Copy of a letter inclosed therein from Mesheck Weare Esq. President of the State of New Hampshire to M^r Cuyler, Reports that it appears from the first abovementioned letter, that a quantity of wheat and flour has by virtue of a Law of the State of New York been seized in that State for the use of the Army, that the said wheat and flour as M^r. Cuyler alledges remain undelivered to the Commissary of purchases for want of money to pay for the same, that from the second abovementioned letter it appears that the Commissary having been furnished by order of Congress with two drafts for 300,000 dollars each on the Treasury of the State of New Hampshire caused the same to be presented for acceptance and payment, that the Treasurer of the Said State laid the s^d drafts before their General Assembly, representing to them, at the same time that the Treasury was destitute of money, that the sums which Congress had required to be raised by the State up to the 1st day of January last had been assessed and the greatest part of the same paid into the Treasury of that State, that the same have been applied, or are destined to be applied

¹ This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 20, I, folio 357.

to the separte use of that State, and that thereby the acceptance and payment of the said drafts have been prevented. Upon which state of facts the Committee begs leave to recommend the following resolutions, to wit.

Resolved, that any application of monies raised for Continental uses in either of these United States in consequence of a Legislative Act grounded on any resolution or Resolutions of Congress, to any other use or uses than such as are or shall be directed by Congress is greatly injurious to and necessarily tends to obstruct the public operations of these United States.

Resolved that the Several States be requested not to apply any such moneys as aforesaid unless on express resolution of Congress or drafts by their order.

Resolved, that it be most earnestly recommended to the State of New Hampshire to make provision without delay for replacing such of the said moneys as were raised in that State for Continental uses and may have been applied to other purposes by authority of that State and that for the future they *abstain from* such applications.¹

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, APRIL 5, 1780

A letter, of 2, from General Washington was read; Whereupon,²

Resolved, That Congress approve of the measures taken by General Washington for reinforcing the southern army as mentioned in his letter of the 2d instant:

Previous to the passing the above resolution, an amendment was moved by Mr. [John] Mathews, seconded by Mr. [James] Madison, by inserting the word "immediately" between the words "for" and "reinforcing;" and on the question to agree to the amendment, the yeas and nays being required by Mr. [John] Mathews,

¹ This report, in the writing of John Morin Scott, is in the *Papers of the Continental Congress*, No. 20, I, folio 1.

² This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 487. It is printed in the *Writings of Washington* (Ford) VIII, 234.

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	ay	} div.	Mr. Fell,	no	} no
Folsom,	no		Houston,	ay	
			Clark,	no	
<i>Massachusetts Bay,</i>			<i>Pennsylvania,</i>		
Mr. Holten,	no	} no	Mr. Searle,	no	} no
Partridge,	no		Muhlenberg,	no	
			Shippen,	no	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	} no	Mr. Plater,	ay	} *
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	} no	Mr. Griffin,	ay	} ay
Sherman,	no		Madison,	ay	
Ellsworth,	no				
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Scott,	no	} no	Mr. Mathews,	ay	} ay
Schuyler,	no		Kinloch,	ay	

So it passed in the negative.

Ordered, That the letter be referred to the Board of War.

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Richard Philips, steward to the President of Congress, for eight thousand dollars, for which the said steward is to be accountable.

That on the application of the Medical Committee of the third instant, a warrant issue on Henry Gardiner, treasurer of the State of Massachusetts bay, in favour of Isaac Forster, deputy director general of the hospitals in the eastern department, for forty thousand dollars, being part of the monies raised in the said State, for the use of the United States, and for the use of that department; for which the said deputy director general is to be accountable.

That a warrant issue on the treasurer, in favour of John D. Mercier, one of the commissioners of the chamber of accounts, on his application, for ten thousand dollars, on account of his salary; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of William Ramsey, one of the clerks in the chamber of accounts, for five thousand dollars, on account of his salary; and for which he is to be accountable.¹

The Board report, that they have considered the memorials of Joseph Borden and Thomas Lawrence, and James Budden, referred to them, and are of opinion that the commissioners of the loan office were not authorized to enter into contracts for future delivery of bills of exchange, and that it is not expedient to issue the bills required.

Resolved, That Congress agree to the report.

Ordered, That in consequence of a letter from the Board of War of the first instant, representing the necessity of a further sum of money to be advanced to Brigadier General Du Portail, a warrant issue on the managers of the United States lottery, in favour of Brigadier General Du Portail, for eight thousand dollars, for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. S[amuel] Holten, one of the delegates for the State of Massachusetts bay, for five thousand dollars, on his application; and for which he the said State is to be accountable.

~~That a warrant issue on the Treasurer in favor of the Honorable James Madison one of the Delegates for the State of Virginia for eight thousand dollars on his application and for which the said State is to be accountable.~~

The Board of Treasury report, that they have taken into consideration the memorial of the Honorable Thomas McKean, Esquire, dated March 1, referred to them; that it appears by the said memorial and divers testimonies on oath exhibited and filed, that eight setts of bills of exchange for thirty dollars each, payable to the memorialist or order, duly issued by the continental loan officer for the State of Delaware, all dated, September 25, 1779, and numbered from 1721

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 173.

to 1728, inclusive, were by him delivered to Samuel Young, commander of the *Lady Washington*, a letter of marque bound to St. Eustatia, and on the voyage thrown over board to avoid capture, and thereby lost, the truth whereof the Board have no reason to doubt; Whereupon,

Ordered, That the treasurer of loans be directed to sign and deliver to Samuel Patterson, commissioner of the continental loan office for the State of Delaware, to be by him issued to the Honorable Thomas McKean, Esquire, eight sets of exchange, of thirty dollars, each, amounting to two hundred and forty dollars, of the tenor and date aforesaid, excepting that each set is to consist of the 5th, 6th, 7th, and 8th bills, one of the eight only to be paid. That the treasurer of loans furnish the said Thomas McKean with quadruplicate letters of advice, each containing a certified copy of this resolution.¹

The committee, to whom was referred the motion of ~~Mr. Lovell, &c.~~ the delegates of Massachusetts Bay, delivered in a report, which was read:

Ordered, That the consideration thereof be assigned for to morrow.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, APRIL 6, 1780²

A letter, of the 3d, from General Washington, was read; Whereupon,³

On motion of Mr. [Robert R.] Livingston, seconded by Mr. [James] Searle,

Resolved, That a committee of three be appointed to proceed to headquarters, to confer with the Commander in Chief

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 171.

² For this day the entries are by George Bond, of the Secretary's Office.

³ This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 491. It is printed in the *Writings of Washington* (Ford), VIII, 241.

on the subject of his letter of the 3d instant, together with the report of the Board of War, and the letter from Baron Steuben, on the subject of a reduction of the regiments, and the report of the commissioners on the arrangement of the staff departments of the army; and that a committee of three be appointed to report instructions for such committee.¹

Congress proceeded to the election of a committee to report instructions; and the ballots being taken, the members chosen were, Mr. [Robert R.] Livingston, Mr. [Oliver] Ellsworth and Mr. [John] Mathews.

A letter, of 31st of March, from General Washington was read, enclosing a report of the proceedings of the commissioners appointed to meet at Amboy for the purpose of settling a general cartel.²

Ordered, That the same be referred to a committee of three:

The members chosen, Mr. [John Morin] Scott, Mr. [William Churchill] Houston and Mr. [William] Ellery.

A letter, of the 5th, from Major General Greene, Q. M. G. was read:³

Ordered, That it be referred to the Board of Treasury.

Resolved, That Mr. [Robert R.] Livingston, at his request, be excused from any farther attendance at the Board of War.

Resolved, That two members be elected for the Board of War:

The members chosen, Mr. [John Morin] Scott and Mr. [John] Mathews.

The committee, to whom was referred the letter from Lieutenant Colonel Derriks, delivered in a report.

¹ This resolution is entered also in the *Papers of the Continental Congress*, Committee Book, 1780, Proceedings of the Committee appointed on the 13th of April, 1780, folio 1.

² This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 483. It is printed in the *Writings of Washington* (Ford), VIII, 229.

³ This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 287.

According to order, Congress took into consideration the report of the committee on the motion made by the delegates of Massachusetts Bay, and some time being spent thereon,

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 7, 1780

A letter, of this day, from Mr. P[hilip] Schuyler was read:¹

Ordered, That it be referred to the Board of Treasury.

A letter, of 6th, from H. Champion was read:²

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Abraham] Clark, Mr. [Samuel] Holten and Mr. [Oliver] Ellsworth.

A letter, of 3d, from John Conway, directed to the Honorable Robert Morris, William Smith and Henry Laurens, Esquires, or either of them, enclosing a bill drawn on them by James Willing, in favour of Mrs. Mary Carew, was laid before Congress and read:

Ordered, That it be referred to the Committee of Commerce.

A report from the Board of War was read; Whereupon,

Resolved, That a commission of major, to be dated the first of May, 1779, be granted to Joseph Louis Gill, an Indian chief of the St. François tribe, and that all Indians of that tribe who are willing to enter into the service of the United States, be collected and formed into a company or companies under the command of the said Joseph Louis Gill, and receive while in service the like pay, subsistence, and rations, with the officers and soldiers of the continental army.

That the Board of War be authorized and directed to fill up commissions for one captain and two subalterns, to be appointed to the said company or companies of St. François

¹ This letter is in the *Papers of the Continental Congress*, No. 153, III, folio 519.

² This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 467.

Indians, when proper characters are recommended to them to hold such commissions.¹

A letter, of 16 January last, from John Adams, at Bilbao, and a letter, of 24 of the same month, and one of 1 February, from Gardoqui and Sons, were read; the latter enclosing 16 notes from sundry seamen to whom money was advanced, at the desire of Mr. J. Adams, amounting to 96 dollars:

Ordered, That the said notes be referred to the Board of Treasury.

A report from the Board of Treasury on the accounts of Colonel Samuel J. Atlee, was read; and after debate,

TREASURY OFFICE April 7 1780

The Board of Treasury beg leave to report on the Letter of Col^o Atlee to them referred—

That while Col^o Atlee was a Prisoner with the enemy he had not an opportunity of Receiving his pay and other allowances in the same manner with officers who were not in captivity, and while in captivity he was unavoidably under the necessity of supporting himself with specie.

That the monies advanced to him were no way adequate to his support—Therefore that it is reasonable that his pay and rations during his captivity should be rated as Specie, and placed to his credit, and that he should be charged with the advances, according to which opinion the Board Report.

That a Balance of 1860 doll^s and $\frac{1}{4}$ in Specie is due from the United States to Col^o Samuel J. Atlee and that he be allowed interest for the same at the Rate of 6 p^r cent per annum until paid.

That an advance of 20,000 dollars be made to the said Colo^l Samuel J. Atlee on account and that a warrant issue for the same on the President and Executive Council of the State of Pennsylvania.²

Ordered, That the consideration thereof be postponed.

Ordered, That a warrant issue on the president and supreme executive council of the State of Pennsylvania, for twenty

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 301.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 181.

thousand dollars, part of the monies raised in the said State for the use of the United States, in favour of Colonel Samuel J. Atlee, for which he is to be accountable.

The committee, to whom was referred the letter, of 26 March, from General Washington, and

The committee, to whom was re-committed the report on the motion of Mr. [Philip] Schuyler, for a letter to the states, delivered in reports which were read:

The Committee to whom was referred a letter from Gen^l Washington of the 26th of March 1780, on the subject of making further provision for making supplies for the army

Report the following resolutions

Resolved, That it be recommended to the several States to authorize and direct their Commissioners or Agents for procuring supplies for the United States pursuant to the Resolutions of the 25th of February last to procure and furnish such supplies of the articles specified in the said Resolutions, over and above the quantities particularly and respectively required, and also such supplies of articles other than those specified in the said Resolutions, as Congress, The Commander in Chief, or the Commander in Chief of a separate army shall call for—and that all such supplies be credited to the States furnishing the same, at the like rates with the articles required by the resolutions aforesaid—the same to be adjusted agreeably to the paragraph of the said Resolutions, and that all such supplies be received and issued under the same checks and regulations with the supplies required by the resolutions aforesaid.

Resolved, That if the supplies furnished by any of the States, shall exceed their respective quotas of the whole, computed at the rate by which the monthly assessments were apportioned by the resolution of the 7th of October 1779, the additional supplies that shall be furnished pursuant to the foregoing resolution, to the amount of such surplus, shall be paid for, to the State furnishing the same, on demand, in specie, or other current money equivalent with interest at Six per cent. per annum from the time of the delivery of the articles.

~~*Resolved*, That Specie or other current money equivalent shall be advanced out of the Treasury of the United States to such States as shall furnish the additional supplies aforesaid for so much thereof as~~

~~the quantities by them furnished shall surpass their quotas of the whole Supplies furnished by the States according to the apportionment made by the resolution of the 7th of October 1779.~~¹

Ordered, That to morrow be assigned for the consideration of the report of the committee on the motions from the delegates of Massachusetts Bay.

The report of the committee on the draught of a letter to the states was taken up; and after debate

Ordered, That it be re-committed.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, APRIL 8, 1780

A letter, of 7, from Samuel J. Atlee was read : ²

Ordered, That it be referred to the Board of Treasury.

A memorial from John Patton was read.³

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE April 5th 1780.

The Board of Treasury Report—

That for more than a year past, large quantities of provisions have from time to time been furnished by order of Congress or their Committees to John Holker Esq^r Agent for the Marine of France, for the use of the Fleets of his Most Christian Majesty through the Commissaries of Purchases in the service of the United States—that Mr Holker has repeatedly applied to the Treasury for a settlement of the accounts arising in this behalf and declared himself ready to pay the balance to the order of the Board, that the Board hath as repeatedly given explicit and peremptory orders to the Commissary General of Purchases and his Agents in this City to furnish the vouchers for such settlement, but have the mortification to see their orders neglected and the public interest sacrificed, for by the depreciation of the currency more than half the Balance due is lost to the

¹ This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 19, VI, folios x279, x281.

² This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 353.

³ This memorial, dated April 8, 1780, is in the *Papers of the Continental Congress*, No. 41, VIII, folio 108.

community, which as the whole amounts at the lowest computation to half a million of dollars is an injury too shameful and intolerable to pass unnoticed;—It is therefore submitted to be resolved—

That all loss by depreciation or otherwise which hath arisen, or may arise to the public by the neglect and delay of the Commissaries of Purchases to furnish the vouchers of account of John Holker Esq^r Agent to the Marine of France for provisions furnished to the use of the said Marine, on behalf of the United States before the first of January 1780, be charged to the late Commissary General of Purchases.

The Board further Report—

Ordered, That a warrant issue on the treasurer, in favour of Charles Morse, one of the clerks in the Secretary's office, for five thousand five hundred dollars, on account of his salary; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Patrick Farral, clerk in the auditor general's office for five thousand dollars, on account of his salary; and for which he is to be accountable.

The Board represent that by letters from the Board of War and Ordnance, of the 29 and 30 of last month, it appears four special contracts were some time since made under their direction by Colonel Benjamin Flower, commissary general of military stores, with Udree & Co. John Patton, Mark Bird, and Robert Coleman, iron masters, for sundry quantities of military stores; that the said contracts have been compleated, and the stores proved and accepted; that the commissary general of military stores has examined and certified their accounts, and that a ballance is due to each of them; that the Board knowing no other way of satisfying the said claims, report,

That the following warrants issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, payable in loan office certificates, and to be charged to the commissary general of military stores, to wit;

One in favour of Messrs. Udree & Co. for thirty thousand nine hundred and forty dollars:

Another in favour of John Patton for three hundred and ninety two thousand and fifty two dollars and 60/90.

Another in favour of Mark Bird, for one hundred and twenty five thousand six hundred and ninety one dollars and 60/90 of a dollar; and

Another in favour of Robert Coleman, for two hundred and sixteen thousand six hundred and eighty three dollars and 30/90 of a dollar.¹

On a question to agree to the foregoing report, the yeas and nays being required by Mr. [Roger] Sherman,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Folsom,	ay	} ay	Mr. Muhlenberg,	ay	} ay
<i>Massachusetts Bay,</i>			<i>Maryland,</i>		
Mr. Lovell,	ay	} ay	Mr. Plater,	ay	} *
Holten,	no		<i>Virginia,</i>		
Partridge,	ay		Mr. Griffin,	ay	} ay
<i>Rhode Island,</i>			Madison,	ay	
Mr. Ellery,	no	} div.	<i>North Carolina,</i>		
Collins,	ay		Mr. Burke,	ay	} ay
<i>Connecticut,</i>			Jones,	ay	
Mr. Huntington,	ay	} no	<i>South Carolina,</i>		
Sherman,	no		Mr. Mathews,	ay	} ay
Ellsworth,	no		Kinloch,	ay	
<i>New Jersey,</i>					
Mr. Fell,	ay	} ay			
Clark,	ay				

So it was resolved in the affirmative.

According to order, the report of the committee, on the motion of the delegates from Massachusetts bay, was taken into consideration, and the first paragraph being read, viz.

"That the reasonable expence incurred by any of the states during the present war, for pay and subsistence of

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 177.

militia necessarily employed by them for defence against the common enemy, be credited to such states upon a final adjustment of their accounts with the United States."

A motion was made by Mr. [Philip] Schuyler, seconded by Mr. [Samuel] Holten, that the same be postponed;

And on the question shall it be postponed, the yeas and nays being required by Mr. [Allen] Jones,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} div.	Mr. Fell,	no	} no
Folsom,	ay		Houston,	no	
<i>Massachusetts Bay,</i>			Clark,	no	
Mr. Lovell,	ay	} ay	<i>Pennsylvania,</i>		
Holten,	ay		Mr. Searle,	no	} no
Partridge,	ay		Muhlenberg,	no	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Plater,	ay	} *
Collins,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	no	} div.
Mr. Huntington,	no	} no	Madison,	ay	
Sherman,	no		<i>North Carolina,</i>		
Ellsworth,	no		Mr. Burke,	no	} no
<i>New York,</i>			Jones,	no	
Mr. Scott,	ay	} ay	<i>South Carolina,</i>		
Schuyler,	ay		Mr. Mathews,	ay	} ay
			Kinloch,	ay	

So the states were equally divided, and the question was lost.

A motion was made by Mr. [George] Partridge, seconded by Mr. [Samuel] Holten, to amend the paragraph by inserting the following words, viz. "the State of Massachusetts bay in endeavouring to repel an invasion of the enemy at Penobscot, or" after the words "incurred by."¹ On which the yeas and nays being required by Mr. [George] Partridge,

¹ This motion, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 65, I, folio 439.

New Hampshire,
Mr. Peabody,
Folsom,
Massachusetts Bay,
Mr. Lovell,
Holten,
Partridge,
Rhode Island,
Mr. Ellery,
Collins,
Connecticut,
Mr. Huntington,
Sherman,
Ellsworth,
New York,
Mr. Scott,
Schuyler,

So it passed in t
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On the question
reported,

Resolved in the affirmative.

On the question to agree to the preamble, the yeas and nays being required by Mr. [John] Fell,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	ay	} ay	Mr. Fell,	no	} no
<i>Massachusetts Bay,</i>			Houston,	no	
Mr. Lovell,	ay	} ay	Clark,	no	
Holten,	ay		<i>Pennsylvania,</i>		
Partridge,	ay		Mr. Muhlenberg,	ay	} ay
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} ay	Mr. Griffin,	ay	} div.
Collins,	ay		Madison,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Huntington,	ay	} ay	Mr. Burke,	ay	} ay
Sherman,	ay		Jones,	ay	
Ellsworth,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Mathews,	no	} no
Mr. Scott,	ay	} ay	Kinloch,	no	
Schuyler,	ay				

So it was resolved in the affirmative.

Resolved, That the application from the State of Massachusetts Bay for an expedition to be adopted for dislodging the enemy from Penobscot, with the papers relating thereto, be referred to the consideration of the Commander in Chief of the army of these United States; [and that continental pay and rations be allowed to any body of militia, not exceeding eight hundred men, which the State of Massachusetts bay may judge necessary to be raised for the defence of the eastern part of that State].¹

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the managers of the United States lottery, in favor of Charles Pettit, assistant

¹This paragraph was also entered in the manuscript Secret (Domestic) Journal. The part which is in brackets was not reported by the Committee but was included in the original motion. See *ante*, March 22. The report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 20, I, folio 57.

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necticut, on his application, for four thousand dollars, for which the said State is to be accountable.¹

A report from the Board of Admiralty was read; Whereupon,

The Board of Admiralty beg leave to inform Congress, that they are about to order the *Mercury* a Continental Packet from Boston to this Port, and as that Vessel is a very fast sailer, they are of opinion that it would be expedient to bring round in her some of [the] sugar belonging to the public at that place, and request, that they may be authorized to order 20 hhds of it to be put on board of her.

Admiralty office

April 10th 1780.

Resolved, That the Board of Admiralty be empowered to order the continental agent in Boston to ship twenty hogsheads of the sugar in his hands to this place, agreeably to directions he may receive from the Board of Admiralty.²

On motion of Mr. [Philip] Schuyler, seconded by Mr. [John] Mathews,

Resolved, That when Congress shall be furnished with proper documents to liquidate the depreciation of the continental bills of credit, they will, as soon thereafter as the state of the public finances will admit, make good to the line of the army, and the independent corps thereof, the deficiency of their original pay, occasioned by such depreciation; and that the money and articles heretofore paid or furnished, or hereafter to be paid or furnished by Congress or the states, or any of them, as for pay, subsistence, or to compensate for deficiencies, shall be deemed as advanced on account, until such liquidation as aforesaid shall be adjusted; it being the determination of Congress, that all the troops serving in the continental army shall be placed on an equal footing; provided that no persons shall have any benefit of this resolution, except such as were engaged during the war, or for three

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 175.

² This report is in the *Papers of the Continental Congress*, No. 37, folio 221.

April, 1780

years, and are now in service, or shall hereafter
ing the war.

Resolved, That a committee of three be a
report a proper compensation to the staff of the
sequence of the depreciation of the currency:

The members chosen, Mr. [Samuel] Holten, Mr
Peabody and Mr. [Thomas] Burke.

A report of the Board of Treasury was read;

Ordered, That the following warrants amount
millions seven hundred and four thousand doll
favour of Ephraim Blaine, commissary general o
for the use of his department; and for which
accountable, viz.

One on Henry Gardner, treasurer of the Sta
chusetts bay, for one million eight hundred thou

One on Joseph Clarke, treasurer of the Stat
Island and Providence Plantations, for two h
four thousand dollars; and

Another on John Lawrence, treasurer of the S
necticut, for one million seven hundred thous
being part of the monies raised in the said st
tively, for the use of the United States.¹

The committee, to whom was re-committed
of a letter to the states, having delivered in anot
the same was read.

The present war, which was undertaken for purpo
Justifiable, but most eminently virtuous, and for obj
interesting that could be offered to men, has been
means as extraordinary as the success has been mirac
which demonstrates the peculiar Interposition of that
dence who confounds the measures of Tyrants, and,
the hope and confidence of the virtuous, enables them to
difficulties.

¹ This report is in the *Papers of the Continental Congress*, No. 136

~~Men felt a confidence in that Patriotism which, nobly, resolved to venture against every danger, and to suffer every species of distress in attempting to rescue ourselves and our posterity from subjection to arbitrary dominion. That confidence obtained credit, while these States were struggling, under every seeming disadvantage, even for political existence. That credit enabled them to avail themselves of the resources of their own, and of other Countries for carrying on a weighty and extensive war during four years, and to bring their Independence to such a state of firmness and stability, that it has no longer any thing to fear except from their own remissness in the prosecution of measures necessary, not indeed for its Establishment, but preservation.~~

~~They are now, and have been for some years in condition to act as regular, sovereign communities, and mankind expect from them Exertions becoming a situation so exalted. The means of procuring money, which had hitherto been used with success, became so subject to fluctuation, and had ran into such abuses, and Inconveniences that your representatives in Congress dared not any longer to trust to them; and all the public movements became so much embarrassed, that a total change became indispensibly necessary; calling on the several States for proportional supplies of men, money and Provisions was the only choice, and their powerful cooperation is absolutely necessary for giving to the public measures vigor and success.~~

From the great deficiencies in the Taxes required, your representatives in Congress are apprehensive that their constituents are not duly sensible of the difficulties under which all our affairs are laboring for want of money, nor of the great danger to which their most important concerns will be exposed if the supplies be not duly brought in. We are now constrained by our anxiety for your welfare, and by the adoption of new means, to press you in the most urgent Manner to give the most serious attention to our representations. The men, the money and specific supplies for which you are called on, are all most Essentially requisite, and we wish you to be very strongly impressed with a sense of the necessity of Complying with our requisitions. To this purpose we represent to you that your Enemies are making the most strenuous Exertions for a vigorous campaign, flattering themselves with the hope of obtaining over you advantages highly Important to them and injurious to you; this is with them a

favorite object, and they seem determined to pursue it ~~even at the hazard of their own ruin~~ at the hazard of Essential Interests, and under the disgrace of Incessant Insults from our allies, but we have every reason to hope that under favor of divine Providence they will be disappointed in ~~every attempt at our subjugation~~, nor indeed can any thing give them success, but your neglecting to perfect those Efforts which your representatives in Congress have called upon you to make, and which we now conjure you by all that is dear to men to compleat with all possible expedition.

We have assurances that our Illustrious Ally will make a powerful diversion in our favor and we have the most sanguine hopes that by means of the Exertions which the States are expected to make, the operations of the next campaign will be crowned with such decisive success as to insure Peace upon Terms honorable and advantageous.¹ But if the States fail of making the required Exertions, we shall be obliged, however unwillingly, to turn our Eyes from such happy prospects to fix them with the most melancholy dejection on a victorious, Insulting and remorseless Enemy ravaging our Country, sacking our Towns, and slaughtering our fellow Citizens—we rely on the virtue and vigor of our constituents for averting such dreadful calamities. In pointing out the proper measures for averting them, we have done all that we have power to do; the carrying those measures into Execution, is that part of the great duty of defending our Country and posterity which our Constituents have reserved to themselves. We cannot presume that they will neglect it, when we call to mind the exertions they have already made, the spirit by which they are always animated and that the sacred and Interesting objects for which we contend, are no less than liberty and Happiness for ourselves, and for millions of our posterity, and when we reflect that we feel difficulties not from a want of supplies to be found only at foreign markets, but from a want of Necessaries in which our own Country, more than any other abounds.

Most respected Friends and fellow Citizens, we cannot close this address without once more pressing you to avail yourselves of this happy opportunity, while your foreign supplies are copious, while you have an army virtuous generous and experienced, with a corps of skilful, gallant and patriotic officers, under the command of a General from whose tried virtue and abilities you have every thing to hope

¹ In the margin opposite this sentence is written "too strong."

and nothing to dread, while the whole Body of Citizens are expert and Intrepid from Native Courage, and familiarity with military service and danger,—we press, we beseech you to improve this opportunity of finishing the war by adopting the measures recommended for giving decisive vigor to your operations against an Enemy who is ready to sink under the superior Force of your ally, and who seems to be as much the object of divine Wrath, as you have been of divine favor and Protection, under which we sincerely pray that you and your posterity may always remain.¹

Adjourned to 10 o'Clock to Morrow.

TUESDAY, APRIL 11, 1780

A letter, of February 4, from Captain Seth Harding of the *Confederacy*, at Martinique; and

A letter, of 9th, from Major H. Lee, were read:

Ordered, That they be referred to the Board of Admiralty to take order.

A letter, of 9th, from J. Cox, assistant Q. M. G. to the Board of War, was read; Whereupon,

Resolved, That the Board of War cause enquiry to be made concerning the state of the horses referred to in the letter from J. Cox, and take order for the preservation of such as are the property of the United States; and, for that purpose, that the Board request of the president and supreme executive council of the State of Pennsylvania, so much of the forage, to be furnished by the said State, agreeably to the resolution of Congress of 25th of February last, as the Board may think necessary.

A letter, of 4, from the president of the supreme executive council of Pennsylvania to the delegates for that State was laid before Congress and read:

Ordered, That it be referred to the Board of War.

A letter, of 10, from General Washington; and

¹ This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 24, folio 261.

A letter, of 29 February; one of 4, and one of 14 March from Major General Lincoln, were read.¹

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE April 10, 1780

The Board of Treasury Report—

That until the further order of Congress the Deputy Pay Masters General under the Pay Master General of the armies [of the] United States be allowed at the Rate of ~~one and a half~~ p^t cent on the monies which they may pay out respectively, agreeably to the arrangement of that department; and that this Commission have Retrospect, to commence from the 29th day of May 1779 when the pay office was last regulated.

That the said allowance be in full payment for the services of themselves and assistants and in full compensation of all Expences except ~~the one Ration allowed agreeably to the Resolutions of Congress now in force, and the necessary contingent charges of the Office~~ per day while in Camp.

Ordered, That the following warrants, amounting in the whole to five millions eight hundred and forty thousand six hundred and sixty six dollars and sixty ninetieths of a dollar, issue in favour of Ephraim Blaine, commissary general of purchases, for the use of his department; and for which he is to be accountable.

One on Gerardus Bancker, treasurer of the State of New York, for six hundred thousand dollars;

One on John Stevens, Jun., treasurer of the State of New Jersey, for one million and seventy seven thousand three hundred and thirty three dollars and 30/90;

One on the president and supreme executive council of the State of Pennsylvania, for one million nine hundred and forty thousand and eight hundred dollars;

One on Thomas Harwood, treasurer of the State of Maryland, for one million eight hundred and twenty two thousand

¹ Washington's letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 511; Lincoln's letter of February 29 is in No. 158, folio 331; that of March 4 is on folio 339, and that of March 14 on folio 343.

five hundred and thirty three dollars and 30/90, being part of the monies raised in the said states, respectively, for the use of the United States;

One on Joseph Borden, commissioner of the continental loan office for the State of New Jersey, for two hundred thousand dollars; and

One on Thomas Harwood, commissioner of the continental loan office for the State of Maryland, for two hundred thousand dollars.¹

The draught of instructions to the committee to be appointed to repair to camp were taken into consideration.

The first paragraph being read, viz.

"You are to consult him about the propriety of reducing the number of regiments; and if on such consultation, he shall agree with you, or a majority of you, that such a step would be advisable, you are invested with full powers to carry it into execution; and as a compensation to the reduced officers, may promise them a continuance of their pay as originally established in 1776 during the war; and the same emoluments after it, which shall be allowed to those who shall continue in service till the termination of the controversy. You may further with his advice reduce, incorporate or unite to State lines the several additional corps."

After debate, the previous question was moved, which passed in the negative. A division was then called for; and on each clause, the yeas and nays being required by Mr. [William] Ellery, the determination of the House was as follows:

On the first clause, as far as "regiments," inclusive,

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 191. It is endorsed: "Part passed; part relative to Deputy Pay Masters referred to Mr. [Samuel] Holten, Mr. [Nathaniel] Peabody and Mr. [Thomas] Burke." See *post* April 13.

New Hampshire,
Mr. Peabody,
Folsom,
Massachusetts Bay,
Mr. Lovell,
Holten,
Rhode Island,
Mr. Ellery,
Connecticut,
Mr. Huntington,
Sherman,
Ellsworth,
New York,
Mr. Scott,
Livingston,
Schuyler,

So it was resolved
On the second clause
inclusive,

New Hampshire,
Mr. Peabody,
Folsom,
Massachusetts Bay,
Mr. Lovell,
Holten,
Rhode Island,
Mr. Ellery,
Connecticut,
Mr. Huntington,
Sherman,
Ellsworth,
New York,
Mr. Scott,
Livingston,
Schuyler,

So it passed in the
The third clause
passed in the negative

On the 4th clause, from "war" to "controversy," inclusive,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} no	Mr. Fell,	no	} no
Folsom,	no		Houston,	no	
<i>Massachusetts Bay,</i>			Clark,	no	
Mr. Lovell,	no	} no	<i>Pennsylvania,</i>		
Holten,	no		Mr. Searle,	no	} no
<i>Rhode Island,</i>			Muhlenberg,	ay	
Mr. Ellery,	no	} no	Shippen,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	} no	Mr. Madison,	ay	} ay
Sherman,	no		<i>North Carolina,</i>		
Ellsworth,	no		Mr. Burke,	no	} no
<i>New York,</i>			Jones,	no	
Mr. Scott,	ay	} ay	<i>South Carolina,</i>		
Livingston,	ay		Mr. Mathews,	ay	} ay
Schuyler,	ay		Kinloch,	ay	

So it passed in the negative.

On the 5th clause, from "controversy" to the end,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	ay	} ay	Mr. Fell,	ay	} ay
Folsom,	ay		Houston,	ay	
<i>Massachusetts,</i>			Clark,	ay	
Mr. Lovell,	no	} div.	<i>Pennsylvania,</i>		
Holten,	ay		Mr. Searle,	ay	} ay
<i>Rhode Island,</i>			Muhlenberg,	ay	
Mr. Ellery,	no	} no	Shippen,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	ay	} ay	Mr. Madison,	ay	} ay
Sherman,	ay		<i>North Carolina,</i>		
Ellsworth,	ay		Mr. Burke,	ay	} ay
<i>New York,</i>			Jones,	ay	
Mr. Scott,	ay	} ay	<i>South Carolina,</i>		
Livingston,	ay		Mr. Mathews,	ay	} ay
Schuyler,	ay		Kinloch,	ay	

So it was resolved in the affirmative.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, APRIL 12, 1780

A letter from Baron Steuben was read.

A memorial from Amos Ormsbury was read:¹

Ordered, That it be referred to the Board of War to take order.

A report from the Board of Admiralty was read; Whereupon,

The Board of admiralty beg leave to represent to Congress, that the Continental Ship *Saratoga* has been lately launched at this place and may be speedily fitted for sea, if the Board had money for that purpose. As the *Saratoga* in all probability will be a very fast sailing vessel, and considerable advantages may arise to the public from her being speedily fitted out, the Board would therefore recommend

Resolved, That the balance of money in the hands of the Board of Admiralty, arising from the sale of wines sold under their direction, be applied in fitting with despatch the ship *Saratoga*.²

The delegates for the State of Massachusetts Bay laid before Congress certain instructions received from their constituents:³

Ordered, That the same be referred to the committee appointed to report a proper compensation to the staff of the army in consequence of the depreciation of the currency.

A report from the Board of War was read; Whereupon,

The Board having taken into consideration the memorial from Lieutenant Honeyman of the Invalids beg leave to report,

Resolved, That Lieutenant Honeyman, of the corps of invalids, have leave of absence for six months; that, agree-

¹ Steuben's letter is in the *Papers of the Continental Congress*, No. 164, folio 186. Ormsbury's memorial, dated March 25, 1780, is in No. 41, VII, folio 271.

² This report is in the *Papers of the Continental Congress*, No. 37, folio 223.

³ These instructions, dated March 29, 1780, are in the *Papers of the Continental Congress*, No. 65, I, folio 428.

ably to his intentions, he may make a voyage to sea, for the recovery of his health.¹

The consideration of the draught of instructions to the committee to be appointed to go to camp was resumed, and the same being amended to read, as follows:

Gentlemen, You are to confer with the Commander in Chief on the subjects contained in the resolution for your appointment, and such others as are committed to your charge by the following instructions:

1. You are to consult him about the propriety of reducing the number of regiments: You may, with his advice, reduce, incorporate or unite to state lines the several additional corps.

2. You, together with the Commander in Chief, are to limit the number of horses to be kept by the officers of the line and regimental staff, and to make such regulations, with respect to the soldiers employed as servants, as will, as far as is consistent with the convenience of the officers they serve, enable the United States to avail themselves of their services as soldiers.

3. Together with the Commander in Chief, you are to suggest such measures and to form such plans, for the general advantage of the officers and soldiers, with respect to cloathing and necessary supplies, as will tend to remove all just ground of complaint, which Congress sincerely lament that there should be any room for, and to adapt them to the abilities and circumstances of these United States, and immediately to lay them before Congress.

4. You are to consult with the Commander in Chief and the commissary and quarter master general about the defects of the present system, the abuses to which it is liable, and the best methods of reforming the same: In doing this, you will pay a particular attention to the report referred to

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 305.

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5. You are to
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ing the Comm
empowered to
expences, to ab
appear absolute
their accounts,
officers of that
viding that the
the resources of
more expedien
inconveniences,

6. You are to
department, an
contracts in th
Commander in

7. You are to
of ordnance an
the Commander
to lay down suc
shall seem nec

8. After the
shall visit the
necessary, in or

doing of which you are vested with joint and separate powers.

You are at liberty to call to your assistance any officer in the service of the United States, whose expences shall be borne by the states.

You are to abolish unnecessary posts, to erect others, to discharge useless officers, to stop rations improperly issued, and are hereby further authorized to exercise every power which may be requisite to effect a reformation of abuses and the general arrangement of those departments which are in any wise connected with the matters committed to your charge.

You are, from time to time, to inform Congress of the measures you have taken in consequence of these powers and instructions, and to transmit them lists of the names and occupations of the persons you shall discharge, and of those new officers, if any, which you shall find necessary to appoint.¹

On the question to agree to the whole, the yeas and nays being required by Mr. [Allen] Jones,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Peabody,	ay	} ay	Mr. Scott,	ay	} ay
Folsom,	ay		Livingston,	ay	
<i>Massachusetts Bay,</i>			Schuyler,	ay	
Mr. Lovell,	ay	} ay	<i>New Jersey,</i>		
Holten,	ay		Mr. Fell,	ay	} no
<i>Rhode Island,</i>			Houston,	no	
Mr. Ellery,	ay	} ay	Clark,	no	
Collins,	ay		<i>Pennsylvania,</i>		
<i>Connecticut,</i>			Mr. Searle,	ay	} ay
Mr. Huntington,	no	} no	Muhlenberg,	ay	
Sherman,	no		Shippen,	ay	
Ellsworth,	no				

¹These instructions are transcribed in the *Papers of the Continental Congress*, Committee Book, 1780, Proceedings of the Committee appointed the 13th of April, 1780, folio 1. The draft, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 21, folio 225.

<i>Maryland,</i>		<i>North Carolina,</i>	
Mr. Plater,	no } *	Mr. Burke,	no }
<i>Virginia,</i>		Jones,	no } no
Mr. Madison,	ay } ay	<i>South Carolina,</i>	
		Mr. Mathews,	ay }
		Kinloch,	ay } ay

So it was resolved in the affirmative.

The Board of Treasury representing that the daily business of the office engrosses the whole of their time and attention, so that they cannot forward the execution of the order of Congress, of the 18 March last, with the necessary dispatch,

Resolved, That the Board of Treasury be discharged from that duty, so far as relates to the preparing of the bills to be struck in pursuance of the resolutions of the said 18 March, and that a committee of two be appointed to expedite it:

The members chosen, Mr. [Oliver] Ellsworth and Mr. [Francis] Kinloch.

The Honorable Thomas McKean, Esquire, was nominated by Mr. [William Churchill] Houston for the office of judge of the Court of Appeals.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, APRIL 13, 1780

A report from the Board of Treasury was read:

TREASURY OFFICE April 8, 1780

The Board of Treasury Report—

That they had considered the subject matter of the Letter signed Nathaniel Greene Quarter Master General, dated the fifth of April instant, previous to the reference thereof, in consequence of a letter of the same purport addressed to the Board by Charles Pettit Assistant Quarter Master General, and were of opinion that the utility of the proposition could not be judged of, until the accounts and vouchers were lodged in the Treasury office, because from them only could it appear whether an advantage adequate to the expense would result to the United States—M^r Pettit was therefore informed

"that whenever the accounts in the Quarter Master Gen^l department with their vouchers are brought into the Treasury office, the Board will determine on the most eligible method for adjusting the same."

The Board are still of opinion that it would be inexpedient to adopt the proposition made by General Greene in his letter aforesaid, and dangerous to give such power, as admitting accounts and making the same vouchers upon a final settlement, while so much public money appears to be unaccounted for in the various departments,—and that the same is repugnant to the acts and ordinances of Congress Relative to the settlement of Expenditures of public money—under which ordinances the public officers must be presumed to have undertaken the execution of their respective duties

Ordered, That so much thereof as relates to Major General Greene's letter, of April 5th, together with the said letter be referred to a committee of three:

The members chosen, Mr. [Philip] Schuyler, Mr. [Oliver] Ellsworth and Mr. [William] Ellery.

Ordered, That a warrant issue on his Excellency George Clinton, Esquire, governor of the State of New York, for one hundred dollars in specie, part of a sum advanced to him pursuant to a resolution of Congress, of the 15th May, 1778, in favour of the Honorable Philip Schuyler, Esquire, to discharge an account of a like sum paid by him for the public service.¹

That on the application of the Board of War and Ordnance, a warrant issue on Nicholas Gilman, commissioner of the continental loan office for the State of New Hampshire, for eighty thousand dollars, in favour of Joseph Carleton, paymaster to the said Board, for the use of the cloathing department; and for which the said paymaster is to be accountable.

That on the application of the Board of War and Ordnance, a warrant issue on the managers of the United States lottery, in favour of Joseph Carleton, paymaster to the said Board,

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 187.

for thirty thousand dollars, for the use of the cloathing department; and for which the said paymaster is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. J[ohn] Collins, one of the delegates for the State of Rhode Island, on his application for six thousand dollars; for which the said State is to be accountable.¹

That a warrant issue on the treasurer, in favour of Mr. A[llen] Jones, one of the delegates for the State of North Carolina, on his application for ten thousand dollars; for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of the inspectors of the continental press on their application, for one thousand dollars to discharge the contingent expences of their office; and for which they are to be accountable.

That a warrant issue on the treasurer, in favour of J. M. Jackson, one of the clerks in the Secretary's office, for five thousand dollars, on account of his salary; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Aaron D. Woodruff, clerk in the Secretary's office, for five thousand dollars, on account of his salary; and for which he is to be accountable.²

Ordered, That so much of the report of the Board, as relates to an allowance to the deputy paymasters general be referred to the committee appointed to report a proper compensation to the staff of the army in consequence of the depreciation of the currency.

A motion was made by Mr. [Thomas] Burke, seconded by Mr. [Allen] Jones,

That no person be considered as duly elected to be a member of the committee to be appointed to confer with

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 195.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 193.

the Commander in Chief, and to carry into execution the instructions resolved upon in Congress on the 12 instant, unless he shall have seven votes at the least.

On which the yeas and nays being required by Mr. [Allen] Jones,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Folsom,	no	} no	Mr. Searle,	ay	} ay
<i>Massachusetts,</i>			Muhlenberg,	ay	
Mr. Lovell,	no	} no	Shippen,	no	
Holten,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	ay	} *
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Collins,	no		Mr. Griffin,	ay	} div.
<i>Connecticut,</i>			Madison,	no	
Mr. Huntington,	no	} no	<i>North Carolina,</i>		
Sherman,	no		Mr. Burke,	ay	} ay
Ellsworth,	no		Jones,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Scott,	no	} no	Mr. Mathews,	no	} no
Livingston,	no		Kinloch,	no	
Schuyler,	no				
<i>New Jersey,</i>					
Mr. Fell,	no	} ay			
Houston,	ay				
Clark,	ay				

So it passed in the negative.

A motion was then made by Mr. [Thomas] Burke, seconded by Mr. [Allen] Jones,

That no person shall be considered as duly elected to serve on any committee empowered to take order or carry any measure into execution unless he shall have the votes of a majority of the states present in Congress.

On which the previous question was moved by Mr. [Robert R.] Livingston, seconded by Mr. [William] Ellery, that that question be not now put. On which the yeas and nays being required by Mr. [Allen] Jones,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	no	} div.	Mr. Fell,	no	} no
Folsom,	ay		Houston,	no	
<i>Massachusetts Bay,</i>			Clark,	no	
Mr. Lovell,	no	} div.	<i>Pennsylvania,</i>		
Holten,	ay		Mr. Searle,	no	} no
<i>Rhode Island,</i>			Muhlenberg,	no	
Mr. Ellery,	ay	} div.	Shippen,	no	
Collins,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	no	} no
Mr. Huntington,	no	} no	Madison,	no	
Sherman,	no		<i>South Carolina,</i>		
Ellsworth,	ay		Mr. Mathews,	ay	} ay
<i>New York,</i>			Kinloch,	ay	
Mr. Scott,	ay	} ay			
Livingston,	ay				
Schuyler,	no				

So the previous question was lost.

On the main question, the yeas and nays being required by Mr. [Allen] Jones,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Peabody,	ay	} div.	Mr. Fell,	ay	} ay
Folsom,	no		Houston,	ay	
<i>Massachusetts,</i>			Clark,	ay	
Mr. Lovell,	ay	} div.	<i>Pennsylvania,</i>		
Holten,	no		Mr. Searle,	ay	} ay
<i>Rhode Island,</i>			Muhlenberg,	ay	
Mr. Ellery,	no	} no	Shippen,	ay	
Collins,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Griffin,	ay	} ay
Mr. Huntington,	ay	} ay	Madison,	ay	
Sherman,	ay		<i>North Carolina,</i>		
Ellsworth,	ay		Mr. Burke,	ay	} ay
<i>New York,</i>			Jones,	ay	
Mr. Scott,	no	} no	<i>South Carolina,</i>		
Livingston,	no		Mr. Mathews,	no	} no
Schuyler,	ay		Kinloch,	no	

So it was resolved in the affirmative.

Congress proceeded to the election of the committee to proceed to headquarters, and the ballots being taken,

Mr. [Philip] Schuyler, Mr. [John] Mathews, and Mr. [Nathaniel] Peabody were elected.¹

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Charles Pettit, assistant quarter master general, on account of Major General Greene, quartermaster general, a warrant issue on the treasurer in his favour for one hundred and thirty thousand dollars, to be applied in the transportation of provisions to the army and forwarding the troops on their march; for which sum the said quarter master general is to be accountable.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 14, 1780

A letter, of 22 March, from Mr. Legras was read, with sundry papers enclosed:

Ordered, That it be referred to the delegates of Virginia.

The committee, to whom were referred the memorial of Caleb Spencer and others, and also the application of Henry Champion, brought in a report, which being read was taken into consideration; and thereupon,

Resolved, That warrants be drawn on the treasurers of New Hampshire, Massachusetts Bay, Rhode Island and Connecticut, to the amount of four millions, being part of the money raised by the said states, for the use of the United States, in favour of Jeremiah Wadsworth, late commissary general of purchases, to be by him applied for the payment of provisions purchased for the army by Henry Champion while acting as his deputy; and for which sum the said Jeremiah Wadsworth is to be accountable.

¹ This entry is transcribed in the *Papers of the Continental Congress*, Committee Book, 1780, Proceedings of the Committee appointed on the 13th of April, 1780, folio 1.

Ordered, That
to be paid by
warrants accordi

The said comm
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On the question
yeas and nays bein

New Hampshire,
Mr. Peabody,
Folsom,
Massachusetts Bay,

Mr. Lovell,
Holten,
Rhode Island,
Mr. Ellery,
Collins,

Connecticut,
Mr. Huntington,
Ellsworth,

New York,
Mr. Scott,
Livingston,
Schuyler,

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no

So it passed in the neg
The Board of War re
application from Captain
regiment of light dragoor
mission; and that they h
Captain Gibbs Jones, of ti
mus Davis, of the 11 Pensy
resign their commissions;

¹ This report, in the writing of Abra
Congress, No. 19, V, folio 375.

Resolved, That the resignation of the said Captain Dandridge, of ~~Meylan's~~ Bland's regiment of light dragoons, and of Captain Gibbs Jones, of the artillery, and of Lieutenant Septimus Davis, of the 11 Pennsylvania regiment, be accepted.¹

On motion of Mr. [Robert R.] Livingston, seconded by Mr. [John] Mathews,

Resolved, that Congress return their thanks to General Mifflin and Colonel Pickering for their attention to the business committed to them, manifested in their plan for the arrangement of the staff departments, ~~and that they be directed to proceed in completion of such farther plans as they may have it in view to make,~~ and that they be informed that Congress have referred their report to a committee who are to consult with the Commander in Chief and the heads of the staff departments on the same and such alterations as the circumstances of the army may render necessary.

Resolved, that General Mifflin and Colonel Pickering be informed that the remainder of the business referred to them must from the necessity of adapting it to such plans as may be finally concluded on, be referred to the committee who are to proceed to head quarters.²

A report from the Board of Treasury was read; Whereupon,

Ordered, That a warrant issue on the treasurer, in favour of Baron Steuben, for one hundred and two thousand eight hundred and eighty dollars, pursuant to the resolution of Congress, of the 7 March last, directing the sum of five hun-

¹The report respecting Dandridge is in the *Papers of the Continental Congress*, No. 147, IV, folio 309; that respecting Jones and Davis is on folio 313.

²This motion, in the writing of Robert R. Livingston, is in the *Papers of the Continental Congress*, No. 36, I, folio 71.

dred and forty six louis d'ors to be advanced him in bills of exchange; and for which he is to be accountable.¹

Adjourned to 10 o'Clock to Morrow.²

SATURDAY, APRIL 15, 1780

The Board of Treasury, to whom was referred a letter, of the 7th, from Colonel Samuel J. Atlee, report,

That while Colonel Atlee was a prisoner with the enemy, he had not an opportunity of receiving his pay and other allowances in the same manner with officers who were not in captivity, and that he was under the unavoidable necessity of supporting himself with specie.

That the monies advanced to him were no way adequate to his maintenance, therefore, that it is reasonable his pay and rations during his captivity should be rated in specie and placed to his credit; and that he should be charged with the advances above mentioned. According to which opinion, the Board farther report,

That a ballance of eighteen hundred and sixty dollars and 4/90ths of a dollar in specie is due from the United States to Colonel Samuel J. Atlee; and that he be allowed interest for the same at the rate of six per cent per annum till paid.

That it appears by a report from the chambers of accounts that Colonel Samuel J. Atlee did advance one hundred and sixty dollars in specie, for the relief of his fellow prisoners in New York, which sum is still due and ought to be repaid in specie, with interest at the rate of six per cent per annum; Wherefore they report,

That a warrant issue on the treasurer, in favor of Colonel Samuel J. Atlee, for two thousand and twenty dollars and

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 201.

² This sentence and the entry for April 15 are in the writing of George Bond, of the Secretary's office.

4/90ths of a dollar, in specie, being the amount of monies due to him from the United States.¹

On the question to agree to the foregoing report, the yeas and nays were required by Mr. [Oliver] Ellsworth,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Folsom,	no	} no	Mr. Muhlenberg,	ay	} ay
<i>Massachusetts Bay,</i>			<i>Maryland,</i>		
Mr. Lovell,	no	} div.	Mr. Plater,	ay	} *
Holten,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Griffin,	ay	} ay
Mr. Ellery,	no	} div.	Madison,	ay	
Collins,	ay		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Burke,	ay	} ay
Mr. Huntington,	no	} no	Jones,	ay	
Ellsworth,	no		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Kinloch,	ay	} ay
Mr. Houston,	ay	} div.			
Clark,	no				

So it was resolved in the affirmative.

Resolved, That the order in favor of Colonel S. Atlee, of the 7th instant, for twenty thousand dollars be revoked; the same being included in the foregoing resolution.

The Honorable Cyrus Griffin, Esq., was nominated by Mr. [Allen] Jones for the office of judge of the Court of Appeals.

Congress proceeded to the election of a commissary general of prisoners, and the ballots being taken, Colonel Joseph Ward was elected.

The committee, to whom was referred the instructions to the delegates of the State of Massachusetts Bay, relative to the staff departments of the army, delivered in a report, which was taken into consideration; and thereupon,

Resolved, That any State which shall furnish the officers of the hospital and medical staff belonging to such State, in the service of the United States, with such articles of cloathing

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 197.

as those officers are respectively entitled to, by a resolution of Congress of the 20th of November, 1779, ~~subject to the same rules and regulations as are established for officers of the line, by a resolution of Congress of the 26th day of November, 1777. That the supplies so furnished shall be a charge against the United States, and credited to the States respectively furnishing the same.~~ and make returns thereof to the cloathier general, shall have credit for such supplies, in their account with the United States.¹

The Board of Treasury, to whom was referred the apportionment of the four million of dollars to be granted to Jeremiah Wadsworth, late commissary general of purchases, upon the States of New Hampshire, Massachusetts Bay, Rhode Island, and Connecticut, brought in a report; Whereupon,

~~That the following warrants amounting to four millions of dollars issue in favor of Jeremiah Wadsworth, late Commissary General of Purchases to be applied for the payment of provisions purchased by Henry Champion while acting as his deputy, and for which the said Jeremiah Wadsworth is to be accountable.~~

Ordered, That the following warrants issue, viz.

One on Nicholas Gilman, treasurer of the State of New Hampshire, for five hundred thousand dollars.

One on Henry Gardner, treasurer of the State of Massachusetts Bay, for one million nine hundred thousand dollars.

One on Joseph Clark, treasurer of the State of Rhode Island and Providence Plantations, for one hundred thousand dollars.

And one on John Lawrence, treasurer of the State of Connecticut, for one million five hundred thousand dollars, being part of the monies raised in the said states respectively, for the use of the United States.²

¹ This report, in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 20, I, folio 61.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 209.

On motion of Mr. [John] Mathews, seconded by Mr. [Francis] Kinloch,

Resolved, That upon the application of Mrs. Elizabeth Duchee, the President of Congress be authorised to give her letters of protection to secure herself, her children and servants, her necessary sea furniture and stores, and such packages as she shall be permitted by the president of the State of Pennsylvania to carry out of that State, against vessels of war belonging to the United States, and cruisers under their commission.

On motion of Mr. [Philip] Schuyler, seconded by Mr. [Robert R.] Livingston,

Resolved, That Mr. [Elbridge] Gerry be informed that on Monday next Congress will take into consideration the matters stated in his letters of the 19th and 22d of February last, and third instant.

The committee consisting of Mr. [James] Forbes, Mr. [John] Mathews and Mr. [William Churchill] Houston, to whom was referred a report of the Commissioners of Accounts of the 25th October, 1779, on the accounts of the honorable John Adams, late one of the commissioners of the United States at the Court of Versailles, report,

That they do not find any vote or proceeding of Congress, nor are they informed of any general or received custom, on which the charge of moneys for the education of the accomptant's son can be admitted; and though the same is inconsiderable, they are of opinion it ought to be rejected, that a precedent be not established. That they are of opinion that the charge for books ought to be admitted, on the ground of a practice which has obtained in different nations respecting their publick ministers, and which is mentioned by Mr. Adams in the explanations attending his vouchers.

That they find the several charges in the said accounts conformable to the strictest principles of economy; and that as far as Mr. Adams has been entrusted with publick money, the same has been carefully and frugally expended.

Resolved, That Congress agree to the said report.¹
Adjourned to 10 o'Clock on Monday.

MONDAY, APRIL 17, 1780

A letter, of this day, from W. Williams, lieutenant colonel of the 3d Pennsylvania regiment, was read, desiring leave to resign his commission:

Resolved, That his resignation be accepted.

Ordered, That so much of the letter as relates to accounts be referred to the Board of Treasury.

A letter, of 18 February last, from Captain Seth Harding, of the *Confederacy*; and one of this day from Mr. E[bridge] Gerry, were read.²

A report from the Board of Treasury was read; Whereupon,

TREASURY OFFICE April 14th 1780

The Board of Treasury represent that by a letter from the Board of War and Ordnance of the 12 instant it appears a contract was some time since made under their direction by Colonel Benjamin Flower Commissary General of Military Stores with John I. Faesh of Mount Hope in the State of New Jersey for a quantity of Military Stores, that the said contract has been compleated and the stores proved and accepted, the Board therefore, report—

Ordered, That a warrant issue on Thomas Smith, commissioner of the continental loan office for the State of Pennsylvania, in favour of John Jacob Faesh, for four hundred and seventy eight thousand two hundred and eighty four dollars and 36/90 of a dollar, to be charged to the commissary

¹ This report was entered only in the manuscript Secret Journal, Foreign Affairs.

² Gerry's letter is in the *Papers of the Continental Congress*, No. 78, X, folio 223; that of Harding in No. 78, XII, folio 5.

general of military stores; and for which he is to be accountable.

That on the application of James Wilkinson, cloathier general, approved by the Board of War, the following warrants issue in his favour, viz. one on Joseph Clarke, commissioner of the continental loan office for the State of Rhode Island, for fifty thousand dollars; and one on William Armistead, commissioner of the continental loan office for the State of Virginia, for thirty thousand dollars, for the use of the hide department; for which sums, amounting to eighty thousand dollars, he is to be accountable.

That a warrant issue on the president and supreme executive council of the State of Pensylvania, in favour of James Wilkinson, cloathier general, for forty thousand dollars (being part of the money raised in that State for the use of the United States) for the contingent expences of his office; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Richard Phillips, steward to the President of Congress, for eight thousand dollars; for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. P[hilip] Schuyler, one of the delegates for the State of New York, for five thousand dollars; for which the said State is to be accountable.

That on the application of Jonathan Burrall, assistant to William Palfrey, paymaster general, a warrant issue on John Lawrence, treasurer of the State of Connecticut, for eight hundred and sixty four thousand eight hundred and thirty six dollars, on account of the said W. Palfrey, for the supply of the military chest at West Point, Peekskill, &c. and for which sum the said paymaster general is to be accountable.

That on the application of the Board of War and Ordnance, the following warrants issue in favour of Joseph Carleton, paymaster to the said Board, viz.

April, 1780

One on George Brooke, treasurer of the State of for five hundred and thirty three thousand three and thirty three dollars and one third of a dollar; on the treasurer for seventy thousand dollars, for pose of expediting the Maryland troops on their South Carolina; for which sums the said Joseph C to be accountable.¹

That a warrant issue on the treasurer, in favou [Nathaniel] Peabody, one of the delegates for the New Hampshire, on his application, for seven dollars; for which the said State is to be accountat

The motion of Mr. [John] Mathews, viz.

“That a resident be appointed to the Court of with the same powers that are usually annexed to office,” was taken into consideration.

On the question to agree to this, the yeas and ns required by Mr. [Nathaniel] Folsom,

<i>New Hampshire,</i>				<i>New Jersey,</i>
Mr. Peabody,	ay	} div.		Mr. Fell,
Folsom,	no			Houston,
<i>Massachusetts,</i>				Clark,
Mr. Lovell,	no	} no		<i>Pennsylvania,</i>
Holten,	no			Mr. Searle,
<i>Rhode Island,</i>				Shippen,
Mr. Ellery,	no	} no		<i>Maryland,</i>
Collins,	no			Mr. Plater,
<i>Connecticut,</i>				<i>Virginia,</i>
Mr. Huntington,	no	} no		Mr. Madison,
Ellsworth,	no			<i>North Carolina,</i>
<i>New York,</i>				Mr. Burke,
Mr. Scott,	ay	} ay		<i>South Carolina,</i>
Livingston,	ay			Mr. Mathews,
Schuyler,	ay			Kinloch,

¹ This report is in the *Papers of the Continental Congress*, No. 136, I
The last paragraph combines a report on folio 207.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, f

So it passed in the negative.

The report of the committee on the letter from Lieutenant Colonel Derricks, was taken into consideration; Whereupon,

Resolved, That Lieutenant Colonel Derricks have leave to return to Holland, agreeably to his request.

That for his past services, and to enable him to return home, a bill of exchange for the sum of five hundred dollars be drawn in his favour on the Honorable Henry Laurens, Esquire, and that his pay for the future cease.¹

A letter from Pierre Regnier De Roussi was read:²

Ordered, That it be referred to the Board of War.

A report from the Committee of Foreign Affairs, respecting S. W. Stockton, was read:

Ordered, That it be referred to the Board of Treasury.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, APRIL 18, 1780

A report of the Board of War was read; Whereupon,

AT A BOARD OF WAR, April 17, 1780.

Present Col. Pickering, Mr. Peters, Col. Grayson.

Extract of a letter from Col. Broadhead, to the Board of War, dated March 18, 1780.

"I am sorry to inform you that the savages have already commenced hostilities. Last Sunday they killed five men at a sugar camp on Raccoon Creek in Yoghaganian County, and took three girls and three lads prisoners. It is generally conjectured that this mischief was done by Delaware Indians. If the Delaware Indians should declare against us, the frontiers will be greatly distressed as many other nations who have hitherto been neuter, will join them, and my force is by no means sufficient to protect it. I apprehend that the commissioning some of the Delaware Warriors will be attended with good consequences, and I wish Congress may approve of the measure."

The board having considered the above extract beg leave to report—

¹ This resolve was also entered in the manuscript Secret (Domestic) Journal.

² This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 307.

Resolved, That six blank commissions be sent to Colonel Broadhead, commanding officer at Fort Pitt, to be filled up with the names of such faithful Indians of the Delaware tribe as he shall judge to be deserving of that honour; but no rank to be given any of them higher than that of captain.¹

The report of the committee on the letter, of 27 February, from Colonel Broadhead was taken into consideration; Whereupon,

Resolved, That a copy of Colonel Broadhead's letter and the papers referred to in it be sent to the governor and council of Virginia, and to the supreme executive council of Pennsylvania.

~~and that it be recommended they take measures to enable the said Colo: Broadhead, and his successor or successors in the command of said Fortress to remove any buildings or the Inhabitants occupying the same which may either obstruct the defences of the Fort or cover the approaches of the Enemy.~~

~~*Resolved*, that Congress will Indemnify said Colo Broadhead for any damages he may sustain for having removed Edward Ward and Thomas Smallman from the house mentioned in his letter of the 27th February 1780, provided it shall appear to a Court of Inquiry, to be instituted for the purpose, that it was necessary to occupy the said house by part of the Garrison for the defence of the fort.~~

~~*Resolved*, That the present or any future Commanding Officer of Fort Pitt be directed, on the approach of an enemy in such force as to threaten an attack on said Fort, to remove, occupy or destroy every building which may obstruct the defence of the said Fort, and that Congress will Indemnify him for the same.~~

Resolved, That Colonel Broadhead shall be supported by Congress in any acts or orders which the nature of the service, and the discharge of his duty as commanding officer at Fort Pitt, hath made, or shall make necessary.²

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 317.

² This report, in the writing of Philip Schuyler, except the last paragraph, which is in the writing of Thomas Burke, is in the *Papers of the Continental Congress*, No. 19, I, folios 413 and 415.

The report of the committee, respecting loan office certificates was taken into consideration, when sundry propositions were moved:

The first being read, viz. That Congress will, as soon as may be, make such provision for discharging or continuing the loans that have been made to these United States on loan office certificates, as that the holders of them shall sustain no loss thereon, by any depreciation of the bills loaned subsequent to the respective dates of said certificates.¹

A motion was made by Mr. [Nathaniel] Peabody, seconded by Mr. [James] Madison, to postpone the consideration thereof.

And on the question for postponing, the yeas and nays being required by Mr. [Nathaniel] Peabody,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Peabody,	ay	} div.	Mr. Searle,	no	} no
Folsom,	no		Muhlenberg,	no	
<i>Massachusetts Bay,</i>			Shippen,	no	
Mr. Lovell,	ay	} div.	<i>Maryland,</i>		
Holten,	no		Mr. Plater,	no	*
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Griffin,	ay	} ay
<i>Connecticut,</i>			Madison,	ay	
Mr. Huntington,	no	} no	<i>North Carolina,</i>		
Ellsworth,	no		Mr. Burke,	no	} no
<i>New York,</i>			Jones,	no	
Mr. Schuyler,	no	} no	<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Mathews,	ay	} div.
Mr. Fell,	no	} no	Kinloch,	no	
Houston,	no				
Clark,	no				

So it passed in the negative.

¹ This motion, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 29, folio 189.

A division was
to the first clause
Resolved in the
On the latter
and nays being 1

New Hampshire,
Mr. Peabody,
Folsom,
Massachusetts,
Mr. Lovell,
Holten,
Rhode Island,
Mr. Ellery,
Connecticut,
Mr. Huntington,
Ellsworth,
New York,
Mr. Schuyler,
New Jersey,
Mr. Fell,
Houston,
Clark,

So it was resolved
Adjourned to

V

A letter, of the
requesting leave
chamber of accounts
Resolved, That
A letter from
Aaron Lopez, a
achusetts Bay, was
also for his facts

Lopez to remove his property from Jamaica to some of these United States:

Resolved, That the request be granted.¹

A report of the Board of War on the petition of Lieutenant Colonel P. R. de Roussi was read; Whereupon,

AT A BOARD OF WAR *April 18, 1780*

Present Col Pickering M^r Peters Col Grayson Gen^l Scott

The Board having taken into consideration the petition of Lieut Col^o Regnier de Roussi, late of the 2^d New York Reg^t, Beg leave to report.

Whereas L^t Col Pierre Regnier de Roussi, late of the 2^d New York regiment having conceived himself injured in his rank by the arrangement of the line of that State, and his health being impaired in the service, has resigned his commission, and he having served in the army of the United States from the commencement of the war with much reputation to himself, and advantage to the public,

Resolved, That Lieutenant Colonel Pierre Regnier de Roussi, late of the 2d New York regiment, in consideration of his faithful services and losses while in the service of these United States, receive bills of exchange on the Honourable John Jay, Esquire, for the sum of five hundred dollars in specie; and a warrant on the treasurer for three thousand dollars currency of these states. ~~to enable him to return to Europe~~²

A report from the Board of Treasury was read; Whereupon,

Ordered, That the following warrants, amounting to three hundred and eighty eight thousand six hundred and four dollars and 60/90, issue in favour of Charles Pettit, assistant quarter master general, on account of Major General Greene, Q. M. G. for the use of his department; and for which he is to be accountable, viz.

¹ This resolution and preamble were also entered in the manuscript Secret (Domestic) Journal. McComb's letter is in the *Papers of the Continental Congress*, No. 78, XVI, folio 25; that of Wilson and Lewis is in No. 78, XXIV, folio 199.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 321.

April, 1780

One on the president and supreme executive of Pennsylvania, for two hundred and ninety eight hundred and four dollars and 60/90 of a dollar;

And one on Samuel Patterson, treasurer of Delaware for ninety thousand dollars, being monies raised in the said states, respectively, for the United States.¹

The Board farther report,

That they have taken into consideration the report of Jeremiah Wadsworth, late commissary general dated August 3d, 1779, with the papers enclosed to claims for provisions purchased of the inhabitants of the State of New York, for the use of the militia on the frontiers thereof, referred to them by Congress of opinion that the commissary general ought not to allow such claims, because the provisions do not pass through the hands of the continental commissaries of issue, and are consequently subject to no regular check, and they being informed of the number of troops, the quantity of provisions, the expenditure of the provision, and therefore can and discharge such claims.²

Resolved, That Congress agree to the said report.

Major Thomas Pinckney, of the 1st South Carolina Regiment, was nominated by Mr. [Francis] Kinloch, to be ambassador to the Court of Versailles.

On motion of Mr. [James] Lovell, seconded by Mr. Mathews,

Resolved, That the resolution of 17th instant that Lieutenant Colonel Dericks be reconsidered.

Adjourned to 10 o'Clock to Morrow.

¹ This report is in the *Papers of the Continental Congress*, No. 136.

² This report is in the *Papers of the Continental Congress*, No. 136.

THURSDAY, APRIL 20, 1780

A letter, of 17th, from General Washington was read:¹

Ordered, That it be referred to the Board of War.

Another letter, of 17th, from the General was read.²

A report from the Board of War [Treasury] was read; Whereupon;

Ordered, That on the application of Jonathan Bural, on account of William Palfrey, paymaster general, a warrant issue in his favour on the president and supreme executive council of the State of Pennsylvania, for twenty thousand dollars, part of the monies raised in the said State for the use of the United States, to be applied in the department of the said paymaster general; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of James Stevenson, one of the clerks in the War office, for five thousand dollars, on account of his salary; and for which he is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. O[liver] Ellsworth, one of the delegates of the State of Connecticut, for six thousand dollars, on his application; and for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Mr. N[athaniel] Folsom, one of the delegates of the State of New Hampshire, for ten thousand dollars, on his application; and for which the said State is to be accountable.

That a warrant issue on the treasurer, in favour of Jacob Hiltzeimer, for forty thousand dollars for the purchase of forage for the horses under his care; and for which he is to be accountable.³

¹ This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 527.

² This letter is in the *Papers of the Continental Congress*, No. 152, VIII, folio 515. It is printed in part in the *Writings of Washington* (Ford), VIII, 249.

³ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 217.

That the said allowance be in full payment for the services of themselves and assistants, and in full compensation of all expences, except one ration a day while in camp.

Ordered, That the same as amended be referred to the Board of Treasury.¹

The Board of Admiralty reported the form of a commission for the naval officers in the employ of the United States, which was agreed to as follows:

The United States of America in Congress assembled to
Greeting:

We, reposing especial trust and confidence in your valour, conduct and fidelity, do by these presents constitute and appoint you to be
in the navy of the United States, to take rank from the

You are therefore carefully and diligently to discharge the duties of by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers, marines, and seamen under your command to be obedient to your orders as And you are to observe and follow such orders

and directions, from time to time, as you shall receive from Congress, a committee of the states, the Board of Admiralty, Commander in Chief, for the time being, of the navy of the United States, or any other your superior officer, according to the rules and discipline of the navy, and the usage of the sea. This commission to continue in force until revoked by Congress or a committee of the states.

Witness, President of the Congress of the United States of America, at the day of in the year of our Lord and in the year of our independence.

Entered in the Admiralty Office, and examined by the Board.

Attest, Secretary of the Board of Admiralty.

On a report from the Board of Treasury,

Ordered, That a warrant issue on the Treasurer in favour of Robert Patton, messenger of Congress, for five hundred dollars, for the purchase of fire wood for the use of Congress; and for which he is to be accountable.²

¹ This report as an "extract from the minutes" is in the *Papers of the Continental Congress*, No. 22, folio 117. It is endorsed "T[reasury] B[oard] April 27, blank filled up and reported. Passed May 3, 1780." See *post* May 3, 1780.

² This paragraph is in the *Papers of the Continental Congress*, No. 136, IV, folio 217.

On a report from the Board of Treasury,
Resolved, That the Board of Treasury be authorised to negotiate, at the current rate of exchange, bills of exchange drawn on the honorable John Jay, pursuant to a resolution of Congress of the 23d. of November last, to the amount of five million dollars, continental currency, no greater part of which than to the amount of one million of dollars to be negotiated in the present month.¹

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 21, 1780

Mr. James Henry, a delegate for Virginia, attended, and took his seat in Congress.

A report from the Board of War was read; Whereupon, Congress came to the following resolutions:

Whereas it appears to Congress that accidental preferences have been given, in some instances, to particular officers, owing as well to local circumstances as to the want of a certain ratio by which the subsistence of each respective claimant might be ascertained, agreeable to the length of time he had been in captivity; and whereas it farther appears to Congress, that twenty-six officers taken at Fort Montgomery the 16 of October, 1777, fourteen taken between the 16 of October, 1777, and May, 1778, and seventeen taken the 22d of August, 1777, at Staten Island, have received the sum of £32, New York money, more than other officers who were captured about the same period of time; and moreover that those who were on parole upon Long Island, before the arrival of the Philadelphia prisoners at New York, have received an allowance of two dollars a week for their board, of which those confined in Philadelphia had not the benefit.

Resolved, Therefore, that as Congress mean to extend their care and attention without distinction, to all their offi-

¹ This paragraph was entered only in the manuscript Secret (Domestic) Journal.

cers who have the misfortune to be captured by the enemy, that the sum of four thousand one hundred and ninety four pounds, New York money, in specie, equal to 10,485 dollars, be placed in the hands of the commissary general of prisoners, out of which he be directed to pay to each of the officers confined in Philadelphia, while the enemy had possession of the city, and now in captivity, the sum of thirty two pounds like money, equal to 80 dollars, and the farther sum of to the same persons respectively, to be computed at the rate of two dollars a week from the time of their being prisoners until their board was paid by the public.

That a farther sum of money, in specie, equal to one thousand four hundred and ninety three pounds, New York currency, equal to 3732½ dollars, be put in the hands of the commissary general of prisoners, for the purpose of levelling all the officers, agreeably to the different terms of their captivity, to the end that each individual may, according to his circumstances, participate of an equal share of the public provision.

And whereas it has been represented to Congress, that a farther sum of money is requisite for all the officers in captivity, as well those who have been lately captured as those who have been in that situation for any length of time, for the purposes of paying their board, purchasing cloathing and other necessaries; therefore,

Resolved, That the sum of twelve thousand four hundred and sixty three pounds like currency, in specie, equal to 31,157½ dollars, be advanced to the commissary general of prisoners, which he be directed to distribute among all the officers in captivity; and that the consideration of any farther allowance or comparative preference be postponed to some future period.

That a farther sum of two thousand five hundred pounds, like money, equal to 6250 dollars, be advanced to the com-

April, 1780

missary general of prisoners, for the purposes of supplying sick soldiers and sailors, in captivity, with necessaries for other contingent expences relating to the prisoners

P. S. The Board beg leave to observe that there are still so unhappy men in captivity who will not be provided for in the going report. These are Citizens taken in different parts of the country—not in arms, and though the Board do not think they ought to be provided for out of the Continental Treasury, yet they could be highly expedient to recommend to the different States to which they are subjects, to pay proper attention to their situation and sufferings.¹

Ordered, That the Board of Treasury be directed to use with all convenient speed the ways and means of furnishing the foregoing sums.

Ordered, That the postscript of the report from the Board of War be re-committed, and that the Board be directed to report a proper mode of supporting the prisoners thus described by the commissary of prisoners.

Another report from the Board of War was read; and upon,

AT A BOARD OF WAR *April 20*

Present Col Pickering Mr Peters Col^o Grayson

Mr Pintard has reminded the board of an application, made by the Enemy's commissary of prisoners, to have an Agent to reside within one of the parts of the United States not in possession of the British, to take the charge of providing for their prisoners in the same manner Mr Pintard is permitted to do in New York, with respect to American prisoners. The Board conceive such an Agent should be permitted, and to have similar powers and treatment with Mr Pintard.

The application for this Agent should however, come from the Commander in Chief of the British forces, And we therefore beg leave to report.

Resolved, That General Washington be empowered, to have properly applied to for that purpose, to authorize an Agent or commissary of prisoners, appointed by the enemy.

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, fol

~~reside in these states with powers similar to those granted to Mr. Pintard~~ in such of these states as he shall direct, and with powers similar to those granted to a like officer on behalf of the United States, and allowed by the enemy to be exercised within their lines.¹

The committee, to whom was referred the draught of a letter to the states, brought in another draught, which being read and debated by paragraphs, and sundry amendments made:

Ordered, That the letter with the amendments be committed to a member to re-draught the same with the amendments.

The member chosen Mr. [William Churchill] Houston.
Adjourned to 10 o'Clock on Monday.²

MONDAY, APRIL 24, 1780

Mr. Joseph Jones, a delegate for Virginia, attended and took his seat.

A letter, of 24th March, from Major General Lincoln was read, with sundry papers enclosed.³

A memorial from Captain John Paul Schott was read:⁴

Ordered, That the same be referred to the Board of War.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Charles Pettit, assistant quarter master general, approved by the Board of War, a warrant issue on the president and supreme executive council of the commonwealth of Pensylvania, in his favor, on account of Major General Greene, quarter master general, for two hundred thousand dollars, part of the monies raised in the said commonwealth, for the use of the United States, to be

¹ This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 331.

² From this point the entries are by George Bond, of the Secretary's Office.

³ This letter is in the *Papers of the Continental Congress*, No. 158, folio 347.

⁴ This memorial, dated April 24, 1780, is in the *Papers of the Continental Congress*, No. 41, IX, folio 111.

applied in the depa:
and for which he is

That on the appl
the Board of War &
warrant issue on th
his favor, for fifty
paymaster, for the
which he is to be a

That on the appl
master general, ap
issue on the commi
commonwealth of I
thousand dollars, o
ter master general,
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That on the app
issue on the treasur
to the said Board,
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South Carolina; an
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That on the app
from the State of M
treasurer, in his fav
said State is to be :

The member, to
states to re-draugh
which was read and

It is the duty of
requisitions as the
and they are confi
not more desirous

¹ This report is in the *P*

² This report is in the *P*

are ready and willing to afford the most vigorous assistance. It is unnecessary to mention our embarrassments. They are known to you. To the means of relieving them we wish your attention.

The whole of the monies due on the quotas of taxes to the first of March last, are become of immediate and indispensable necessity. Numerous debts have accumulated on the public departments, and justice requires they should be forthwith discharged. Large sums are also requisite for the purposes of transportation, and to continue the purchases of supplies for the army until the states are prepared to furnish them. On these quotas drafts are now making, and must continue to be made to the whole amount, nor can a doubt be admitted of their being punctually answered. If any State should be unprepared, if the collections are incomplete, not a moment is to be lost. Delay will be disappointment, and may involve consequences too interesting, too fatal, to be hazarded. Should the public operations, through languor and inattention, be retarded and stopped; should those exertions, which have hitherto rendered this contest conspicuous to the world, be intermitted, the fairest prospects and the most promising occasion may be irretrievably lost. Urge, therefore, the instant execution of every measure which has been adopted, and the speedy adoption of such as yet remain to be taken.

The specific supplies required by the resolutions of the 25th of February last, will forthwith become matter of equal urgency and importance. These must be relied on in future, as the principal, not to say the only resource from which the army is to be supported. From the obvious propriety of adopting the mode there described, as best suited to the ease and convenience of the respective states, as making a just apportionment of the burthens of the war, and as necessary for correcting abuses in the expenditure of

public money,
the measure will
reasonably and am-
act and co-operate
vigor and decision

The resources
obstinate and will
cles the most es-
people is free to
established medi-
it. Such we as
proper attention
last, from which
chase of public
transactions of
may be justly ex-

The crisis calls
time. And every
man presents its
long and glorious
could be so des-
juncture has be-
efforts.

We detain you
of early and frequent
address; and to
all occasions, to
safety.¹

A report of the
relief of persons
the enemy, was

¹ This report, in the
Continental Congress, N
(Domestic) Journal.

Ordered, That the same be re-committed.

On motion of Mr. [James] Lovell, seconded by Mr. [Frederick A.] Muhlenberg,

Resolved, That the resolutions of the 17th instant, respecting Lieutenant Colonel Derricks, be repealed.¹

Ordered, That to morrow be assigned for the further consideration of the report of the committee on loan office certificates.

Mr. [William Churchill] Houston nominated Mr. William Denning for the office of Commissioner of the Board of Treasury, and Mr. Joseph Nourse, for the office of Commissioner of the Chamber of Accounts.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, APRIL 25, 1780

A report from the Board of War was read, inclosing a letter of the 22d. inst. from Lieutenant Ludiman; Whereupon,

Resolved, That the resignation of Lieutenant Ludiman, of Colonel Armand's corps, be accepted.

That the sum of five thousand dollars be granted to Lieutenant Ludiman, to enable him to return to Europe.²

On the question to agree to this, the yeas and nays were required by Mr. [John] Fell,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Folsom,	ay } ay	Mr. Huntington,	ay } ay
<i>Massachusetts Bay,</i>		Ellsworth,	ay }
Mr. Lovell,	ay } div.	<i>New Jersey,</i>	
Holten,	no }	Mr. Fell,	no } ne
<i>Rhode Island,</i>		Houston,	no }
Mr. Ellery,	ay } ay		

¹ This resolution was also entered in the manuscript Secret (Domestic) Journal.

² This report is in the *Papers of the Continental Congress*, No. 147, IV, folio 337.

April, 1780

<i>Pennsylvania,</i>			<i>North Carolin</i>			
Mr. Searle,	ay	} ay	Mr. Burke,			
Muhlenberg,	ay		Jones,			
<i>Virginia,</i>			<i>South Carolin</i>			
Mr. Griffin,	ay	} ay	Mr. Kinloch			
Madison,	ay					
Jones,	no					

So it passed in the affirmative.

On motion of Mr. [James] Searle, seconded by Mr. [Frederick A.] Muhlenberg,

Resolved, That the Board of Treasury furnish the Commercial Committee with 1000 drawn on the Honorable John Jay, Esquire, and eight hundred Spanish milled dollars to discharge a bill drawn on the said Jay for the like sum by Oliver Pollock, of New York, and bills drawn as above for a sum equal to 1000 ten shillings, sterling, to enable the Committee to pay the freight of public goods imported from Scorpion from Bilboa.

According to order, Congress proceeded to the consideration of the report of the committee on loan office certificates, and in debating the report, viz. "That in making such provision on the bills loaned shall be admitted at par; nor any greater depreciation on bills that have been loaned than that of the said bills for one Spanish milled dollar."¹

A motion was made by Mr. [William Charles] Cushing, seconded by Mr. [Frederick A.] Muhlenberg, to strike blank with "the 1st of March."

¹ See ante March 25, 1780.

On which the yeas and nays were required by Mr. [Nathaniel] Folsom,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Folsom,	no	} no	Mr. Searle,	ay	} ay
<i>Massachusetts Bay,</i>			Muhlenberg,	ay	
Mr. Holten,	no	} no	Shippen,	no	
Lovell,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Plater,	no	} *
Mr. Ellery,	no	} no	<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Madison,	no	} no
Mr. Huntington,	no	} no	Henry,	no	
Ellsworth,	no		Jones,	no	
<i>New York,</i>			<i>North Carolina,</i>		
Mr. Scott,	no	} no	Mr. Burke,	no	} no
<i>New Jersey,</i>			Jones,	no	
Mr. Houston,	ay	} div.	<i>South Carolina,</i>		
Clark,	no		Mr. Kinloch,	no	} no

So it passed in the negative.

~~A motion was then made by Mr. Searle, seconded by Mr. Houston, to fill up the blank with "the 10th September, 1777." During the debate,~~

The President informed the House that he had received a letter from the Board of War which required immediate attention; Whereupon, the letter was read and referred to the Board of Treasury.

WAR OFFICE *April 25 1780*

SIR

The Board have the honor of laying the enclosed letters before Congress. The information contained in them agrees with our accounts from all quarters. We are under the most serious apprehensions that it will be impossible for the troops ordered to the southward to proceed on their march. We do not find that any provision is made for the purpose, nor can it be done without cash. We have written to the Governors of Maryland and Virginia in the most pressing terms to assist in the transportation of the troops, but have not the most flattering prospects from the effects of our

applications. We
measure depending
gress of the state o

Mr. [George] F
before Congress
granting licence
Britain and retur
of New York, or
Congress to gra
Mrs. Ridley and
vessel of war, p
the United State
United States,"

Whereupon,

On motion o
[Thomas] Burke,

Resolved, That
be complied wit
to grant letters o
Adjourned to

7

A petition from

Ordered, That

A report from
upon,

Whereas it is re
Cont! Loan offices,

¹ This letter is in the

² This resolution and J
Journal.

³ This petition, dated
No. 42, IV, folio 33.

the higher denominations, and whereas it will be of greater public advantage that the smaller denominations should be discontinued and the same amount be prepared in larger sums therefore the Board of Treasury Beg leave to Report—

Resolved, That the sum of four millions eight hundred thousand dollars, ordered to be prepared in loan office certificates of the denomination of six hundred dollars each, by a resolution of Congress of the 11th of June, 1779, for borrowing twenty million of dollars, be not prepared; but that in lieu thereof the same sum be prepared in certificates of the following denominations, viz.

100 bills of 10,000 dollars each,	1,000,000
240 do. of 5,000 do.	1,200,000
350 do. of 4,000 do.	1,400,000
400 do. of 3,000 do.	1,200,000
	<hr/>
	¹ 4,800,000

Another report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Jonathan Burrall, assistant to William Palfrey, paymaster general, a warrant issue in his favor on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts Bay, for two hundred and fifty thousand dollars, for the use of the department of the said paymaster general; and for which he is to be accountable.

That five warrants for fifty thousand dollars, each, issue on Nathaniel Appleton, commissioner of the continental loan office for the State of Massachusetts Bay, in favor of Michael Hillegas, treasurer of the United States; for which the said treasurer is to be accountable.²

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 223.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 225.

Congress resumed the consideration of the report of the committee respecting loan office certificates; and some time being spent thereon:

TREASURY OFFICE *April 22^d 1780*

The Board of Treasury on the appeal of Major General Benedict Arnold from the report of the Commissioners of the Chamber of Accounts and submission thereon to Congress referred to the said Board report

That they have carefully examined all the matters of grievance complained of by the said Major Gen^l Arnold as contained in the report of the said Commissioners and caused witnesses to be examined on interrogatories stated as well on the part of the said Major Gen^l Arnold as on the part of the said Commissioners in behalf of the United States, and also have heard the said Major Gen^l Arnold in support of his appeal: upon full and mature consideration of all which they find

That the sum of Sixty six thousand six hundred and seventy one and twelve ninetieths dollars stated by the said Commissioners as the monies received by the said Major Gen^l Arnold while he served on the expedition in Canada is justly placed to his debit—

That the credit the said Commissioners have stated of the sum of One thousand and ninety four pounds four shillings, and of fourteen thousand five hundred and four pounds two shillings and seven pence half penny are payments and advances made by the General to sundry persons, who if he is credited by them must be charged and accountable to the United States

That the credit of the sum of three thousand two hundred and ninety six pounds three shillings and four pence half penny for sundry provisions clothing &c purchased for the use of the Troops is, for any thing that appears to the Board a just credit. Also the credit of four hundred and sixteen pounds sixteen shillings and six pence the amount of the Pay Roll of Savages

Also of Eight hundred pounds for Brigantine *Peggy* and One hundred and ten pounds sixteen shillings for such part of her cargo as was taken for public use

That Gen^l Arnold's claims for twenty five horses at ten pounds each amounting to two hundred and fifty pounds Four hundred and eighty five bushels oats, thirty six pounds. Hay, six pounds, part

of the said cargo which he alleges ought to have been allowed to his credit does not appear to be supported by testimony sufficient to warrant a charge of them as having been taken for the use of the United States and therefore ought to be considered as incidental damages, and referred to such general provisions as may be made in future for losses under that description

That in the aforesaid sum of fourteen thousand, five hundred and four pounds five shillings and seven pence half penny is included a sum of One thousand pounds stated by the General to have been paid to John Halstead Commissary of Provisions on the aforesaid Expedition which sum the said John Halstead denies having received, and refuses to account for unless the General can produce his receipt. The Board being of opinion that the said sum could not be placed to the credit of the General unless vouchers sufficient to make the said John Halstead accountable to the United States were produced and deposited, did require the same to be produced. Whereupon the General alleged that he had lodged such vouchers in the Treasury Office, and upon searching for the same some time afterwards it was not to be found. He therefore suggested that the voucher was lost in the Treasury Office or taken away by M^r Geddes one of the Commissioners of Accounts who had had access to the Files which contained the General's papers.

The Board upon examining into the depositions taken respecting the said allegations and suggestions do not find any proof that such voucher ever was lodged in the Treasury all the testimonies relating thereto amounting to no more than very vague and light presumptions, and they find positive proof that the said W^m Geddes having at the request of the aforesaid John Halstead brought the Files containing the General's papers from the Chamber in which the Treasury Office is held to another Chamber in the same house did immediately examine and search the said Files in presence of the witnesses for a receipt or other voucher to support the said charge of one thousand pounds, but none such could be found. The Board therefore cannot find the least ground for admitting the truth of the suggestion that the voucher was taken away by the said William Geddes, and upon the whole are of opinion that the said sum be not placed to the credit of the General on the present settlement, but that he be not precluded from recovering the same whenever he shall deposit sufficient vouchers for making the said John Halstead accountable to the United States.

That the claim of Table expences which the General charges under an idea of his having commanded in a separate Department while at Montreal, on the Lakes, and at Providence altho' no special Resolution of Congress can be found to warrant such claim in favor of the General yet as his service was always active, and his command important and as his Rank and Command necessarily involved him in Table Expences, and as other Officers in circumstances not more strongly supporting the Equity of such allowance have received the same under special resolutions of Congress the Board are of opinion that General Arnold's Table Expences should be allowed to the same extent with those of Genl How and other Officers to wit, One hundred and twenty five dollars per month while a Brigadier, and one hundred sixty dollars while a Major General in a separate command, agreeably to the following State—Six months at Montreal—Five months on the Lakes—One month in Providence as Brigadier—Nine months in Philadelphia as Major General

That as to the Claim for Forage rations while the General was in Canada as it appears in proof that the General was not supplied from the public magazines, it is just that he be allowed the same at their real value, which he states to be Nine Pound p^r month, and as it amounts to no more than one shilling per day for each horse, which an officer of his Rank is allowed, appears to be reasonable

That as to Rations of all kinds where there were proper Officers to issue them the United States have only to settle such accounts with the said Issuers who are accountable for all the supplies that come to their hands, and are not warranted in issuing any greater quantity to any officer than he is entitled to by the Resolutions of Congress—therefore that such ought not to be considered as proper articles of *Debit or Credit* with Genl Arnold as an accountant to the United States.

That for all claims on account of pay, and pay as an allowance for Table Expences, the General be referred for settlement to the Pay Master General, and for all claims on account of Rations of Provisions and Forage, except forage while in Canada, to the Commissary General of Issues, and Quarter Master General at the respective times of their arising

Finally, the Board concur in opinion with the Commissioners of accounts that General Arnolds accounts and vouchers be re-examined by the Commiss^{rs} of Accounts at Albany, and that the present settlement be subject to such corrections and amendments as they

shall report under which reservation, and on the principles aforesaid the Board State the General's account as follows

D^r Major General Arnold in account current with the United States.....C^r

	Dollars.		Dollars.
To debit on Canada account as stated by Commissioners of accounts	86. 671 $\frac{1}{2}$	By sundry accountants as stated by Commissioners as persons who do not appear to have accounted with the General....	3. 646 ⁰⁰
To John Halstead, one of the accounts Stated by the Commissioners by whom he is Credited, and who refuses to admit himself as accountable without a voucher which does not appear to have ever been produced or deposited in the Treasury Office.....	3. 333. ⁰⁰	By D ^r D ^r advances to Officers and others who dont appear to have settled their accounts.....	48. 347 ⁰⁰
		By Credit stated by Commiss ^{rs} of accounts for Expenditures for provisions, Clothing &c... 10. 987. ⁰⁰	
		By D ^r Pay Roll of Sav- ages.....	1. 389. ⁰⁷
		By D ^r Brigantine Peggy.....	2. 666. ⁰⁰
		By D ^r part Cargo of D ^r which appears to have been taken for public use.....	369 ⁰⁰
		By his Forage Rations while in Canada 6 m ^{ts} at a 9 $\frac{1}{2}$ lawful p ^r m ^{ts} equal to 30 Dolls.....	270.
		Balance due by General Arnold in specie.....	2. 328 ⁰⁷
	<u>70. 004. $\frac{1}{2}$</u>		<u>70. 004 ⁰²</u>

Adjourned to 10 o'Clock to Morrow.

FRIDAY, APRIL 28, 1780

A letter, of this day, from Az: Dunham was read:¹

Ordered, That the same be referred to the Board of Treas-
ury.

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 229a. It is endorsed: "Brought in April 25, 1780; read 27 April, 1780; to be considered on Thursday next. May 16, 1780, referred to Mr. [Edward] Telfair, Mr. J[oseph] Jones and Mr. [Abraham] Clark."

² This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 285.

A report from the Board of Treasury was read; Whereupon, *Ordered*, That a warrant issue on the treasurer, in favor of Mr. George Plater, one of the delegates from the State of Maryland, on his application, for ten thousand dollars; for which the said State is to be accountable.

That on the application of Charles Pettit, assistant Q. M. G. on account of Major General Greene, quartermaster general, a warrant issue in his favor, on Samuel Patterson, commissioner of the continental loan office for the State of Delaware, for ten thousand dollars, for the use of the department of the said quarter master general, in expediting the Maryland troops on their march to the southward; and for which he is to be accountable.¹

A letter, of the 27th, from the Board of War was read, enclosing one, of the 25th, from Charles Pettit, assistant Q. M. G.

Ordered, That the letter from Charles Pettit, assistant Q. M. G. be referred to the Board of War.

Congress proceeded to the election of a judge of the Court of Appeals, || in the room of Mr. Wythe, || and the ballots being taken, Mr. Cyrus Griffin, Esq. was elected, || having been previously nominated by Mr. [Allen] Jones. ||

Congress then proceeded to the election of a commissioner of the Board of Treasury, and the ballots being taken, Mr. William Denning, was elected, || having been previously nominated by Mr. [William] Floyd. ||

A petition from Thomas Carnes was read.²

The Board of Treasury, to whom was referred the resolution of the 20th instant, respecting an allowance to the deputy paymasters general, brought in a report, which was taken into consideration; and after some debate,

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 227.

² This petition, dated February 14, 1780, is in the *Papers of the Continental Congress*, No. 42, II, folio 62.

That an allowance of one tenth per cent be made to them for the purposes mentioned in the said Resolution.¹

Ordered, That the same be referred to a committee of three: The members chosen, Mr. [Oliver] Ellsworth, Mr. [Abraham] Clark and Mr. [James] Henry.

A petition from John Warner was read:

Ordered, That the same be referred to the Board of Admiralty.

The delegates from the State of Virginia laid before Congress a remonstrance from the assembly of that State, dated December 14th, 1779, which was read.

TREASURY OFFICE *April 28. 1780*

The Board of Treasury humbly represent—

That the demands from the Quarter Master's Department from every movement of the Troops are in the highest degree enormous and from the difficulties which the officers of the Department represent it must be presumed that no previous provision has been made for such contingencies, and that no stores are on hand for supplying any of the Requisites for the ensuing Campaign or the necessary movements of any detachments of the Army.

This appears the more extraordinary as the sum of 78,726,176 dollars remains to be accounted for by the Quarter Master General, and since the 12th of November last the sum of 16,022,604 dollars has been advanced to that department.

The Board further beg leave to represent—

That the sum of 1,691,938 $\frac{1}{2}$ dollars in warrants on the following persons, to wit:

1780.	Dollars.
April 18 On the Treasurer of the United States.....	70,000
“ 20 On the Treasurer of the State of Delaware.....	90,000
“ 20 On the President and Supreme Executive Council of the State of Pennsylvania.....	298,604. $\frac{1}{2}$
“ 27 On ditto.....	200,000
“ 27 On the Commissioner of the Con ^{tl} Loan Office for the State of Pennsylvania.....	500,000
	<hr/>
	1,158,604. ⁰⁰
April 15 On the Treasurer of Virginia in favor of the Pay Mas ^t to the Board of War for the use of the Q. M. depr ^t	533,333. ⁰⁰

¹ This report is in the *Papers of the Continental Congress*, No. 22, folio 120.

has been advanced for the purpose of expediting the March of the Maryland Troops ordered to the Southward—notwithstanding all which it appears from the letter from the Board of War of the 25th instant, and its inclosures referred to this Board, that the necessary arrangements for their March have not been made nor can be made without further supplies of Money.

The Board of Treasury find it impossible to comply with such enormous demands as are made upon them, and have no hopes that any supplies which can be advanced to the present officers of that Department will enable the Troops on their march to the Southward to fulfill their orders.

They therefore beg leave to recommend—

That the Board of War be directed to nominate to Congress some persons to be employed for procuring the supplies, in the Quarter Master department, necessary for the Troops on their March to the Southward, to whom the monies for that purpose may be advanced¹

Adjourned to 10 o’Clock on Monday.²

MONDAY, MAY 1, 1780

Mr. [James] Duane, a delegate for the State of New York, being returned, laid before Congress the original credentials of the appointment of delegates for that State, which are as follows:

The people of the State of New York by the grace of God free and Independent, To all to whom these presents shall come send Greeting: Whereas our Senate and Assembly did at their late meeting held at Kingston in our County of Ulster according to the form prescribed by the Constitution of this our State nominate and appoint our trusty and well beloved James Duane, William Floyd, John Morin Scott, Ezra L’Hommedieu and Philip Schuyler, Esquires, Delegates to represent this our State in the General Congress of the United States of North America; Now therefore Know ye that We do by these presents and in pursuance of the said nomination and appointment Commissionate the said James Duane, William Floyd, John Morin Scott, Ezra L’Hommedieu, and Philip Schuyler, Esquires, Delegates to represent this our State in the said Congress and Vest

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 229. It is endorsed: “Postponed.”

² Here Charles Thomson resumes the entries.

them severally and respectively with all and singular the powers and authorities to the said Office or place of Delegate belonging, by Virtue of our said Constitution and the nomination and appointment aforesaid. To have and to hold to them the said James Duane, William Floyd, John Morin Scott, Ezra L'Hommedieu and Philip Schuyler, Esquires, severally and respectively the said Office or place of Delegate for so long time as they severally and respectively may and ought of Right to continue to hold and exercise the same by Virtue of our said Constitution and the said nomination and appointment and no longer. In Testimony Whereof We have caused these our Letters to be made patent, and our Great Seal of this our State to be hereunto affixed. Witness our trusty and well beloved George Clinton, Esquire, Governor of our said State, General and Commander in Chief of all the Militia and Admiral of the navy of the same, at Poughkeepsie in our County of Dutchess this eighth Day of November in the fourth year of our Independence and in the Year of our Lord, one thousand seven hundred and seventy nine.

Signed GEO: CLINTON.

with the great Seal appendant.¹

Two letters, of 28 April, from General Washington;
One, of 9th April, from Major General Lincoln;
One, of 27 April, from Governor Livingston, of New Jersey;
One, of 20 April, from Governor Rodney, of Delaware;
And one, of April 11, from President Weare, of New Hampshire; and an act of the legislature of the said State of New Hampshire, relative to prisoners, were read.²

A letter, of 24 December; two of 25; one of 26; and one of 27, of the same month, from J. Jay, at Martinique: ³

Ordered, That a copy of the letter, of 25, with the narrative enclosed respecting Mrs. Smith, be sent to Governor Clinton.

¹ The original is in the *Papers of the Continental Congress*, New York, *Credentials of Delegates*.

² Washington's letters are in the *Papers of the Continental Congress*, No. 152, VIII, folios 531 and 535; Lincoln's letter is in No. 158, folio 369; Livingston's is in No. 68, folio 533; Rodney's is in No. 70, folio 723; Weare's is in No. 64, folio 102.

³ These letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 436, 446, 448, and 450.

A letter, of 27 December, from W. Carmichael,¹ and

A letter, of 23 March, from Mr. Bouillée, governor of Martinique, were read.

A memorial from J. Wilson, on behalf of the Board of Admiralty, respecting an appeal from a judgment of the Court of Admiralty of the State of Massachusetts Bay, on a libel, Captain Nicholson, of the *Deane*, and Captain Tucker, of the *Boston* frigate, *vs.* the *Sandwich* Packet, which has not been lodged with the Secretary in due time, was read:²

Ordered, That the same be referred to a committee of three.

The members chosen, Mr. [James] Duane, Mr. [William] Ellery, and Mr. [James] Henry.

A petition of William Neil and Cornelius Durant was read:³

Ordered, That it be referred to a committee of three:

The members chosen, Mr. [Samuel] Holten, Mr. [Thomas] Burke, and Mr. [George] Plater.

A report of the Board of Treasury was read; Whereupon,

Ordered, That on the application of Ephraim Blaine, commissary general of purchases, approved by the Board of War, a warrant issue in his favour on the treasurer of the commonwealth of Virginia, for one million five hundred thousand dollars, part of the monies raised in the said commonwealth, for the use of the United States, for the use of the Convention troops, prisoners of war, and the Maryland troops on their march to South Carolina, to be applied in the department of

¹ This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), III, 449.

² This memorial, dated May 1, 1780, is in the *Papers of the Continental Congress*, No. 41, X, folio 440.

³ The petition of William Neill, dated March 6, 1780, enclosed a copy of the petition of himself and Durant made to the Speaker and Members of the House of Delegates of Maryland, dated March 19, 1779. The latter is in the *Papers of the Continental Congress*, No. 42, V, folio 421, the former in No. 42, V, folio 425.

the said commissary general of purchases; and for which he is to be accountable.¹

Another report of the Board of Treasury was read.

On motion of Mr. [James] Duane, seconded by Mr. J[oseph] Jones,

Resolved, That the Board of Treasury and the Board of War forthwith take effectual measures for forwarding the troops of the continental army, now under marching orders, for the relief of Charlestown.

Resolved, That the sugars lately arrived in Philadelphia, consigned to Mr. Blaine, commissary general of purchases, on account of the United States, be sold for ready money, under the directions of the Committee of Commerce, and the monies arising from such sales be paid into the continental treasury.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, MAY 2, 1780

A letter, of 29 April, from Mr. Holker was read:

Ordered, That it be referred to the Board of Treasury.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Mr. J[ohn] M[orin] Scott, in behalf of himself, Mr. P[hilip] Schuyler and Mr. R[obert] R. Livingston, delegates for the State of New York, a warrant issue in his favour, on the treasurer, for fifteen thousand dollars, for which the said State is to be accountable.

That on the application of Mr. [Nathaniel] Peabody, a delegate from the State of New Hampshire, a warrant issue in his favour, on the treasurer, for ten thousand dollars, for which the said State is to be accountable.

That on the application of Michael Hillegas, treasurer of the United States, a warrant issue in his favour, on Thomas Smith, commissioner of the continental loan office for the

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 277.

commonwealth of Pennsylvania, for the sum of twenty six thousand one hundred and twenty three dollars and fifty ninetieths of a dollar, to be paid in loan office certificates in discharge of two bills of exchange drawn on his Excellency the President of Congress, by John Lewis Gervais, deputy paymaster general for the southern department, of the following description, viz.

One being his first bill, dated Charlestown, South Carolina, 24th September, for twenty one thousand and sixty four dollars and 30/90 of a dollar, and the other being his first bill dated Charlestown, South Carolina, 13 September, for five thousand and fifty nine dollars and 20/90 of a dollar, amounting to the aforesaid sum of 26,123 50/90 dollars; and for which the said John Lewis Gervais is to be accountable.¹

On motion of Mr. [Oliver] Ellsworth, seconded by Mr. [Nathaniel] Folsom,

Ordered, That the report of the committee respecting loan office certificates, the proceedings of the Committee of the Whole thereon, and several papers relative thereto now before the house, be referred to a committee of three:²

The members chosen, Mr. [Oliver] Ellsworth, Mr. [Abraham] Clark and Mr. [James] Duane.

The Board of Admiralty having reported the form of a commission for private vessels of war, and of the bond to be given by the master and commander of the said private

¹ This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 279.

² Proceedings of Committee of the Whole respecting certificates:

Resolved, That as soon as Congress can be furnished with proper returns from the respective loan offices, so as to enable them to ascertain the scale of depreciation, they will then proceed to determine the respective rates at which the several loans already made shall be settled, in order that equal justice may be done to all the public creditors.

Resolved, That all future loans shall be received at the respective loan offices at forty dollars in the Continental bills of credit now in circulation for one in specie, and the certificates be issued payable in specie, or paper currency equivalent.

The above resolutions are in the writing of John Mathews and are in the *Papers of the Continental Congress*, No. 29, folio 188.

armed vessels, and instructions to the said masters; the same were taken into consideration and agreed to, as follows:

THE FORM OF THE COMMISSION.

[L. S.] The Congress of the United States of America, to all to whom these presents shall come, send greeting:

KNOW YE, That we have granted, and by these presents do grant, license and authority to _____, mariner, commander of the _____ called the _____ of the burden of _____ tons, or thereabouts, belonging to _____ mounting _____ carriage guns, and navigated by _____ men, to fit out and set forth the said _____ in a warlike manner, and by and with the said _____ and the officers and crew thereof, by force of arms to attack, subdue, seize and take all ships and other vessels, goods, wares and merchandizes belonging to the crown of Great Britain, or any of the subjects thereof, (except the ships or vessels, together with their cargoes, belonging to any inhabitant or inhabitants of Bermuda, and such other ships or vessels bringing persons with intent to settle within any of the said United States; which ships or vessels you shall suffer to pass unmolested, the masters thereof permitting a peaceable search and giving satisfactory information of the lading and their destination) or any other ships or vessels, goods, wares or merchandizes, to whomsoever belonging, which are or shall be declared to be subjects of capture by any resolutions of Congress, or which are so deemed by the law of nations: and the said ships and vessels, goods, wares and merchandizes so apprehended as aforesaid, and as prize taken, to bring into¹ port ~~or place within the said United States~~, in order that ~~the courts there instituted to hear and determine~~ proceedings may be had concerning such captures ~~may proceed thereupon~~, in due form of law, and as to right and justice appertaineth: and we request all kings, princes, states and potentates, being in friendship or alliance with the said United States, and others to whom it shall appertain, to give the said _____ all aid, assistance and succour in their ports, with his said vessel, company and prizes: We, in the name and on behalf of the good people of the said United States, engaging to do the like to all the subjects of such kings, princes, states and potentates, who shall come into any ports within

¹ From here the entries are by Thomas Edison.

the said United States. And we will and require all our officers whatsoever, to give to the said all necessary aid, succour and assistance in the premises. This commission shall continue in force during the pleasure of the Congress, and no longer.

In testimony whereof, we have caused the seal of the Admiralty of the United States to be affixed hereunto. Witness His Excellency Esq. President of the Congress of the United States of America, at this day of in the year of our Lord, one thousand seven hundred and and in the year of our independence.

Passed the Admiralty Office.

Attest.

Secretary of the Board of Admiralty.

THE FORM OF THE BOND.

Know all men by these presents, that we, are held and firmly bound to A. B. Esq. Treasurer of the United States of America, in the penalty of twenty thousand Spanish milled dollars, or other money equivalent thereto, to be paid to the said A. B. Treasurer as aforesaid, or to his successors in that office. To which payment well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the day of in the year of our Lord and in the year of the independence of the United States.

The condition of this obligation is such, that whereas the above bounden master and commander of the called the belonging to mounting carriage guns, and navigated by men, and who hath applied for and received a commission, bearing date with these presents, licensing and authorizing him to fit out and set forth the said in a warlike manner; and by and with the said and the officers and crew thereof, by force of arms, to attack, subdue, seize and take all ships and other vessels, goods, wares and merchandizes, belonging to the crown of Great Britain, or any of the subjects thereof, (excepting the ships or vessels, together with their cargoes, belonging to any inhabitant or inhabitants of Bermuda and such other ships or vessels bringing persons with intent to settle within the said United States) and any other ships or vessels, goods, wares, and merchandize, to whomsoever belonging, which are or

shall be declared to be subjects of capture by any resolutions of Congress, or which are so deemed by the law of nations. If therefore the said shall not exceed or transgress the powers and authorities given and granted to him in and by the said commission, or which are or shall be given and granted to him by any resolutions, acts or instructions of Congress, but shall in all things govern and conduct himself as master and commander of the said and the officers and crew belonging to the same, by and according to the said commission, resolutions, acts and instructions, and any treaties subsisting, or which may subsist between the United States of America and any prince, power or potentate whatever: and shall not violate the law of nations or the rights of neutral powers, or of any of their subjects, and shall make reparation for all damages sustained by any misconduct or unwarrantable proceedings of himself or the officers or crew of the said then this obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered
in the presence of us,

Instructions to the captains and commanders of private armed vessels, which shall have commissions or letters of marque and reprisal.

1. You may, by force of arms, attack, subdue and take all ships and other vessels belonging to the crown of Great Britain or any of the subjects thereof, on the high seas, or between high water and low water marks (except the ships or vessels, together with their cargoes, belonging to any inhabitant or inhabitants of Bermuda, and such other ships and vessels bringing persons with intent to settle and reside within the United States, which you shall suffer to pass unmolested, the commanders thereof permitting a peaceable search and giving satisfactory information of the contents of the ladings, and destination of the voyages) and you may also annoy the enemy by all the means in your power, by land as well as by water, taking care not to infringe or violate the laws of nations, or the laws of neutrality.

II.

~~You may by force of arms attack, subdue and take all ships and other vessels whatsoever carrying soldiers, arms, great guns, gunpowder, ammunition, provisions or any other contraband goods to the enemies of the United States. But in case you should take any ships or vessels belonging to the subjects of the Crown of France carrying~~

~~contraband goods to any port under the obedience of the enemy, and in all things, you are to govern yourself strictly according to the sixth, seventh, fourteenth, fifteenth, sixteenth, seventeenth, twentieth, twenty first, twenty fifth, twenty sixth, twenty seventh and twenty ninth articles of the treaty of amity and commerce subsisting between the said Crown of France and these United States, and you are also instructed to afford the same aid and protection to the persons, commerce and property of the subjects of his Most Christian Majesty as is due to the persons, commerce and property of the inhabitants of these United States.~~

2. You are to pay a sacred regard to the rights of neutral powers, and the usage and custom of civilized nations; and on no pretence whatever presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States, except they are employed in carrying contraband goods or soldiers to our enemies; and in such case you are to conform to the stipulations contained in the treaties subsisting between such princes or powers and these states; and you are not to capture, seize or plunder any ships or vessels of our enemies being under the protection of neutral coasts, nations or princes, under the pains and penalties expressed in a proclamation issued by Congress the ninth day of May, Anno Domini, 1778.

3. You shall bring such ships and vessels as you shall take, with their guns, rigging, tackle, apparel, furniture and ladings, to some convenient port or ports ~~of the United States~~, that proceedings may thereupon be had, in due form of law ~~before the courts which are or shall be there appointed to hear and determine~~, concerning such captures.

4. You shall send the master, or pilot, and one or more principal person or persons of the company of every ship or vessel by you taken in such ship or vessel, as soon after the capture as may be, to be by the judge or judges of such court as aforesaid examined upon oath, and make answer to such interrogatories as may be propounded, touching the interest or property of the ship or vessel and her lading; and at the same time you shall deliver, or cause to be delivered, to the judge or judges, all passes, sea-briefs, charter-parties, bills of lading, cockets, letters, and other documents and writings found on board, proving the said papers by the affidavit of yourself, or of some other person present at the capture, to be produced as they were received, without fraud, addition, subduction or embezzlement.

5. You shall keep and preserve every ship or vessel and cargo by you taken, until they shall, by sentence of a court properly author-

ised, be adjudged lawful prize, or acquitted, not selling, spoiling, wasting or diminishing the same, or breaking the bulk thereof, nor suffering any such thing to be done.

6. If you, or any of your officers or crew, shall in cold blood, kill or maim, or, by torture or otherwise, cruelly, inhumanly, and contrary to common usage and the practice of civilized nations in war, treat any person or persons surprized in the ship or vessel you shall take, the offender shall be severely punished.

7. You shall, by all convenient opportunities, send to the Board of Admiralty written accounts of the captures you shall make, with the number and names of the captives, and intelligence of what may occur, or be discovered concerning the designs of the enemy, and the destinations, motions and operations of their fleets and armies.

8. One-third at least, of your whole company, shall be land men.

9. You shall not ransom or discharge any prisoners or captives, but you are to take the utmost care to bring them into port; and if, from any necessity, you shall be obliged to dismiss any prisoners at sea, you shall, on your return from your cruise, make report thereof on oath, to the judge of the admiralty of the State to which you belong, or in which you arrive, within twenty days after your arrival, with your reasons for such dismissal. And you are to deliver, at your expence, or the expence of your owners, the prisoners you shall bring into port, to a commissary of prisoners nearest the place of their landing, or into the nearest county goal.

10. You shall observe all such further instructions as Congress shall hereafter give in the premises, when you shall have notice thereof.

11. If you shall do anything contrary to these instructions, or to others hereafter to be given, or willingly suffer such thing to be done, you shall not only forfeit your commission, and be liable to an action for breach of the condition of your bond, but be responsible to the party grieved, for damages sustained by such malversation.

~~*Resolved, That Congress approve of the form of a commission, of a bond, and instructions for the masters of private armed vessels of war reported by the Board of Admiralty.*~~

Resolved, That the Board of Admiralty be empowered and directed to cause to be printed, so many copies of the said forms as they shall judge necessary.

Resolved, That the President transmit to the governors or presidents of the respective states, so many copies of the said forms, as the Board of Admiralty shall advise, and at the same time inform them that it is the intention of Congress that all commissions ~~bonds~~¹ and instructions now in force, be cancelled as soon as possible, and commissions, bonds and instructions of the new form be substituted in place thereof.²

Adjourned to 10 o'Clock to Morrow.³

WEDNESDAY, MAY 3, 1780

The committee, to whom was referred the report of the Board of Treasury, respecting an allowance to the deputy paymasters, brought in a report, which was read;

The Committee to whom was referred a report of the Board of Treasury respecting an allowance to the deputy Pay Masters report:

That the blank in said report for the allowance to be made, be filled up with the following words *Viz: eight Tenths*

That those words in the report "*agreeably to the arrangement of that Department*" be struck out, and in the room thereof be inserted these words *Viz: To the Army*

And that the following words be added at the end of the report *Viz: for themselves and Assistants*⁴

Whereupon the report of the Board of Treasury as amended on the 20th of April, was taken into consideration, and being farther amended, was agreed to, as follows:

Resolved, That until the farther order of Congress, the deputy pay masters general, under the pay master general of the armies of the United States, be allowed at the rate of

¹ Thomson has noted in the margin "Word *bonds* struck out, May 3^d," and run his pen through the word in the text.

² The Board of Admiralty's report and the enclosures are in the *Papers of the Continental Congress*, No. 37, folios 225-239. A printed copy of the instructions is in the *Papers of the Continental Congress*, No. 37, folio 511.

³ At this point Charles Thomson resumes the entries.

⁴ This report, in the writing of Oliver Ellsworth, is in the *Papers of the Continental Congress*, No. 22, folio 113.

eight-tenths per cent. on the monies which they may pay out respectively to the army; and that this commission have retrospect to commence from the 29th day of May, 1779, when the pay office was last regulated: that the said allowance be in full payment for the services of themselves and assistants, and in full compensation of all expences, except one ration a day each, while in camp, for themselves and assistants.

The committee, to whom was referred the memorial of James Wilson, in behalf of the Board of Admiralty, respecting an appeal from the judgment of the Court of Admiralty in the State of Massachusetts bay, respecting the *Sandwich Packet*, which has not been lodged with the Secretary in due time, brought in a report, which was read, and ~~the first paragraph being taken under consideration, viz.~~

~~That the memorial of James Wilson, Esquire, in behalf of the commissioners of the Admiralty of the United States, respecting the *Sandwich Packet*, and the papers accompanying the said memorial, be transmitted to the Court of Appeals to hear, try and determine all appeals from the Court of Admiralty, respectively, in cases of capture, and lodged with the register of the said Court of Appeals.~~

~~A motion was made by Mr. Burke, seconded by Mr. Holten, to amend the proposition by inserting after "that," the words "the appeal mentioned in;" and after the word "be" inserting the words "received, admitted and;" and on the question to agree to the amendment, the yeas and nays being required by Mr. Scott,~~

New Hampshire,

Mr. Folsom, _____ ay } ay

Massachusetts Bay,

Mr. Lovell, _____ ay }

Holten, _____ ay } ay

Rhode Island,

Mr. Ellery, _____ no } no

Connecticut,

Mr. Huntington, _____ no }

Ellsworth, _____ ay } div.

<i>New York,</i>			<i>Virginia,</i>		
Mr. Duane,	no	} no	Mr. Henry,	no	} no
Scott,	no		Jones,	no	
<i>New Jersey,</i>			Madison,	no	
Mr. Fell,	ay	} ay	<i>North Carolina,</i>		
Clark,	ay		Mr. Burke,	ay	} ay
<i>Pennsylvania,</i>			Jones,	ay	
Mr. Searle,	no	} div.	<i>South Carolina,</i>		
Muhlenberg,	ay		Mr. Kinloch,	no	} no
<i>Maryland,</i>					
Mr. Plater,	no	} *			

So the states were equally divided and the question lost.¹

After debate,

Ordered, That the report be re-committed.

Adjourned to 10 o'Clock to Morrow.

THURSDAY, MAY 4, 1780

A letter, of April 12, from T. Hosmer, was read, acquainting Congress of his acceptance of the office of judge of the Court of Appeals, to which they have been pleased to appoint him.

A letter, of this day, from C[yrus]. Griffin, was read, expressing his thanks for the confidence reposed in his integrity and abilities, by appointing him one of the judges of the Court of Appeals, and informing, that as he is delegated by the State of Virginia to a different employment, he does not think himself justifiable in a peremptory acceptance of the office, without the approbation of his constituents; but that, in the mean while, if Congress shall think proper, he will undertake the business of a judge, and endeavour to pay that attention which so important a commission may require.²

¹ Thomson's note in margin: "May 4. Struck out by order, with the consent of the member calling the yeas and nays." See post, May 24.

² Hosmer's letter is in the *Papers of the Continental Congress*, No. 78, XII, folio 17; Griffin's is in No. 78, X, folio 251.

A letter, of 17 April, from James Gray, D. C. G. of issues, northern district, was read:¹

Ordered, That it be referred to the Board of Treasury; and that a copy thereof be transmitted to the committee sent to headquarters.

A letter, of this day, from the Board of War was read, enclosing a letter, of 28 April, from Charles Pettit, A. Q. G.:²

Ordered, That the same be referred to the Board of Treasury.

The Board of Admiralty reported the device of a seal for the Admiralty of the United States: the arms, thirteen bars mutually supporting each other, alternate red and white, in a blue field, and surmounting an anchor proper. The crest a ship under sail. The motto SUSTENTANS ET SUSTENTATUS. The legend U. S. A. Sigil. Naval.

Ordered, That the same be engraved, and used as the seal of the Board of Admiralty of the United States of America.

Ordered, That a member be added to the Medical Committee.

The member chosen, Mr. [James] Henry.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MAY 5, 1780

A memorial from S. Young was read:³

Ordered, That it be referred to the Board of Treasury.

Ordered, That Mr. [George] Plater have leave of absence.

Sundry resolutions respecting the Court of Appeals were moved:

¹ This entry is transcribed in the *Papers of the Continental Congress Committee Book*, 1780, Proceedings of the Committee appointed the 13th of April, 1780, folio 3; Gray's letter is in No. 78, X, folio 247.

² This letter is in the *Papers of the Continental Congress*, No. 147, IV, folio 347.

³ This memorial, dated May 5, 1780, is in the *Papers of the Continental Congress*, No. 41, X, folio 720.

Ordered, That they be referred to the committee on the memorial from J. Wilson.

The Committee on the Post Office brought in a report, which being taken into consideration,

Resolved, That the present rates of postage be doubled:

That the post from the city of Philadelphia to Talbot court house in the state of Maryland be abolished.

That all masters of packets and other vessels in continental service be, and they are hereby, required to lodge whatever letters they bring from abroad, in the post office nearest to the port where they shall arrive, and immediately after their arrival:

That for defraying the expences of the Post Office and discharging the debts of the same, the following warrants issue in favor of Richard Bache Esq^r. Postmaster General he to be accountable—to wit, a warrant on the Continental loan officer in the state of Massachusetts for 30,000 dollars.

A warrant on the Continental loan officer in the State of Pennsylvania for 30,000 Dollars.

A warrant on the Continental loan officer in the State of Virginia for 20,000 Dollars.

And a warrant on the Continental loan officer in the State of North Carolina for 20,000 dollars.

That the resolution of Congress of the 7 January last, allowing reasonable expences to the surveyors while travelling the roads, be and it is hereby repealed.

That the ~~Postmaster General~~ Board of Treasury be empowered to ~~supply the report advances to Postmaster General, Comptroller and surveyors from time to time with reasonable sums of money to defray the expenses of living at present they to be accountable on account of their salaries.~~

That the salary of the Post Master Gen^l the Comptroller and surveyors be considered when all other salaries are to be fixed by a new establishment, and in the meantime that the board of Treasury report

~~warrants in favor of the Postmaster General agreeable to a resolution of Congress of the 8th of March last.¹~~

Ordered, That the Board of Treasury report advances to the post master general, the comptroller and surveyors, from time to time, on account of their salaries, and that the salary of the post master general, the comptroller and surveyors, be considered when all other salaries are to be fixed by a new establishment.

Ordered, That so much of the report as relates to advances be referred to the Board of Treasury; and that so much of the report as relates to the post from Philadelphia to Talbot be referred to the Committee on the Post office to take order.

A report from the Board of Treasury was read; Whereupon,

Ordered, That on the application of Richard Phillips, steward to the President of Congress, a warrant issue on the treasurer, in his favour, for eight thousand dollars for the use of the President's household; and for which the said Richard Phillips is to be accountable.

That upon the application of Mr. E[li]bridge Gerry, a delegate from the State of Massachusetts Bay, a warrant issue in his favour, on the treasurer, for twelve thousand dollars; for which the said State is to be accountable.²

On motion of Mr. [William] Ellery, seconded by Mr. [James] Duane,

Resolved, That a committee of three be appointed to arrange the reports on file in such order that those which call for most immediate consideration be first taken up.

The members chosen, Mr. [William] Ellery, Mr. [James] Duane, and Mr. [James] Henry.

Adjourned to 10 o'Clock on Monday.

¹ This report is in the *Papers of the Continental Congress*, No. 61, folio 473; an extract from the report is in No. 61, folio 471.

² This report is in the *Papers of the Continental Congress*, No. 136, IV, folio 281.

E. N. 2
1776

